

Public Testimony and Staff Response, May 20, 2016

General Comments				
Date	Testified Site Address (as applicable)	Summary	Staff's Response	Exhibit
04-26-16	Charles Oppenheimer 845 9 th Street	Certain amendments add complexity but do not improve objectivity.	The Committee worked to make the criteria as objective as possible, but determined that purely objective criteria failed to address the unique nature of various neighborhoods and lots. Efforts were made to detail the factors considered by Staff when applying subjective criteria. These efforts did add some complexity to the code.	3
04-27-16	Clay Werts	The Tree Code Amendments should not add more restrictions on private property rights, tree cutting requirements should be reduced or removed.	The Committee worked to reduce the regulatory burden of the Tree Code while ensuring the amendments continue to meet the intent of the Tree Code.	4
04-27-16	Karen Ifversen	The tree canopy has drastically changed in the last ten years, and the City has failed to protect and care for the trees. Small stature fruit trees should be treated differently than larger nut trees.	The Committee has worked to reduce the regulatory burden of the Tree Code while preserving the City's ability to protect trees that provide particular benefits. In addition, the Committee has worked to improve tree protection measures. The proposed amendments include allowing the removal of fruit trees, regardless of number or size, under the Type I Permit. Nut trees are excluded under the definition of fruit trees. Nut trees that are grown and maintained as shrubs will not require a tree cutting permit.	5
05-03-16	Carol and Frank Sampson 706 5 th St.	Thank you to the Committee. We moved to Lake Oswego primarily because of the trees. The proposed amendments are fair, practical, and not too restrictive.	Comment supports the proposed amendments.	8

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05-05-16	Dennis Hageman	Do not implement changes to the tree code.	The Committee has worked to develop code amendments that improve the Tree Code. City Council will make the final determination regarding the implementation of the proposed tree code amendments.	10
05-05-16	Ted Gabrielson 1581 Woodland Terrace	Tall trees on the neighboring property prevent enough sun for a productive garden. Taller trees have the potential to destroy property and injure or kill people.	The proposed Tree Code Amendments include a number of changes that are intended to make it easier to remove trees are dangerous, or have the potential to become dangerous in the future.	15
05-05-16	John Wendland 15495 Village Drive	The current process for obtaining a tree removal permit is too long and burdensome. The current policy should be revised to streamline the process and be customer friendly.	The proposed amendments to the Tree Code are focused on streamlining the process and reducing the regulatory burden while meeting the intent of the Tree Code.	14
05-05-16	Gary Gipson Gale Gipson 19 El Greco	The beauty of Lake Oswego should be protected, but a homeowner needs to be able to maintain their property.	The proposed amendments to the Tree Code have been made with the intent of protecting the wooded character of Lake Oswego while easing the restrictions and burdens placed on property owners.	17
05-08-16	Rick Moulton	The City should not tell property owners what to do with trees on their own property. It is a minority group of people who want to tell everyone else what to do with their property. The City should let property owners do what they want with their trees.	The Committee has struggled to determine where the line between individual rights and the public benefits of trees should be drawn, however there was a high level of consensus that there should be some regulations on tree removal. The Committee has worked to reduce the regulatory burden on property owners while preserving the intent of the tree code.	25
05-11-16	Christina West William Conerly	The recommendations of the Ad-Hoc Tree Committee are confusing. Simplify the tree code.	The proposed amendments to the Tree Code are intended to clarify the criteria used when reviewing a tree removal permit application. Some of these changes may be confusing due to their complexity.	27

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05-13-16	Gerald Mock 4920 Parkhill St.	One tree in the neighborhood has started three fires due to its branches contacting power lines. There is dense vegetation in the area and it is ripe for a fire of large proportions. These are the real problems people have with trees.	The proposed amendments improve the options for removing trees that are causing damage to utilities or other infrastructure. In addition, power utilities will often respond to dangerous situations created by trees if they are informed of the issue.	28
05-16-16	Bill Jaurisch	Many views of Mt. Hood are disappearing or are gone. Tree removal to preserve an existing view should be allowed following a review by staff. Preserving a view and landscaping are both removing a tree for aesthetic purposes.	Tree removal is not permitted for the sole purpose of providing or enhancing a view. The Committee could consider removing this criteria. Tree removal to preserve a view could occur if the removal meets the criteria for the issuance of a Type II permit.	31
5-17-16	Kevin Brooks 1789 Glenmorrie Drive	There should be a code amendment that requires the removal of a dead and dangerous tree.	The Committee discussed setting up a process for the City to mediate disputes between property owners over hazardous trees. The dispute resolution process used by Tigard was used as an example. It is costly and time consuming for the City to mediate disputes between property owners. In the Tigard model these costs are passed on to the party that loses the dispute. Property owners are likely to be unhappy if the City informs them that they must pay to remove a tree, and then charges hundreds more for the arbitration process. Property owners seeking tree removal are likely to be equally unhappy if the tree remains and they are charged for the arbitration.	33
05-19-16	Rick Jacobson 3166 Stonebridge Way	With the current definition of “stand of trees” could two trees be a stand? In many neighborhoods the right-of-way is larger than the street, and houses are close to the street. The definition of “street tree” could mean that all trees in	Two trees could be considered a stand if they “form a visual and biological unit, at least 15 ft. in height with a contiguous crown width of at least 120 ft.” The Committee could consider changes to the definition of stand of trees and street trees.	34

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		<p>these yards are considered a street tree. Consider defining “street trees” as trees within a certain distance of a paved street. Section 4 of the Tree Protection (55.08) could burden a homeowner with significant costs related to hiring building and trade professionals that would not otherwise be necessary. City wide publication of pending tree permits could create a process where applicants are harassed or bullied. Changing lot coverage and setback regulations could have a significant impact on a property owners rights to use their property and enjoy their home. Establishing a minimum tree canopy fails to consider that some people want few trees, while some want many. People should be allowed to landscape as they desire.</p>	<p>Conditions of approval for Tree Protection Permits are only applied if they are determined to be necessary to ensure the protection of a tree or trees during major or minor development, or when installing plumbing features underground. The Committee wanted to ensure trees are protected in these situations. These conditions will result in an increased burden, but only when it is necessary to ensure tree protection.</p> <p>Online publication of tree removal permit applications is necessary for a number of the proposed changes to the tree code. The Committee and Staff could consider ways to prevent the harassment of permit applicants.</p> <p>The Committee is recommending a review of the Community Development Code. Any decisions about lot coverage and setbacks would be made as a part of that review.</p> <p>A minimum tree canopy coverage is not included in the currently proposed amendments.</p> <p>Tree removal for the purpose of landscaping is permitted if the relevant criteria for a tree removal permit are met.</p>	
05-19-16	Neil Kozlowski 95 D Ave	The significant issue with tree removal is developers removing trees so that they can build structures with a larger floor plan. They are increasing their profit margin at the expense of the neighborhood.	The Committee is recommending a review of the Community Development Code to address this issue.	36
05-19-16	Kevin Poling	The current Tree Code is intrusive to my property rights. The new updates to the	The Committee has struggled to determine where the line between individual rights and the public benefits of trees should be drawn, however there was a high level	37

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		Code are punitive and counter to the Council Charge.	of consensus that there should be some regulations on tree removal. The Committee has worked to reduce the regulatory burden on property owners while preserving the intent of the tree code.	
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Forest Management Permits

Date	Testified Site Address (as applicable)	Summary	Staff's Response	Exhibit
05-03-16	<p>Oswego Pointe Village Condominium Association Board of Directors: Mary Coffey Dave McNamee Gary O'Connell Meagan Parker Patricia McIlveen</p> <p>Oswego Pointe Village Condominium Landscaping Committee: Sue Davis Garry Ackerman Gail O'Connell Diane Robbins Don Pope</p>	Oswego Pointe Village Condominiums is approximately eight acres with 2.77 acres of tree canopy. The proposed changes to the Tree Code that allow properties with over one acre of canopy coverage to apply for forest management permits, even if some of the subject trees are protected by a condition of approval for a development permit, are excellent. These changes allow properties such as ours to manage trees with increased flexibility and reduced costs.	Comment supports the proposed amendments to the Forest Management Permits.	7
04-24-16	Dorothy Ryan 5064 E Foothills Drive	Multifamily developments should not be allowed to use Forest Management	The Committee could consider only allowing Major Forest Management Permits, which require a report	2

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		Permits. Concerns include privacy and the loss of mature trees without mitigation.	prepared by a forest management professional. This report should address long-term viability for the forested tract. Replanting may be required as a condition of approval for Major Forest Management Permits. The Committee could readdress privacy concerns related to multi-family lots.	
04-23-16 05-17-16	Patricia Herbert 5063 A Foothills Drive	Tree removal in a multifamily development may impact privacy. In many cases the residents of multifamily developments have little say in decisions made regarding property management. Tree removal on these properties may impact residents' quality of living. Condominium and apartment complexes should not be able to use Forest Management Permits.	The Committee could reconsider the requirements connected to the use of Forest Management Permits by apartment and condominium complexes to address these concerns.	1 32

Community Development Code

Date	Testified Site Address (as applicable)	Summary	Staff's Response	Exhibit
04-26-16	Charles Oppenheimer 845 9 th Street	The proposed amendments do not address that development permitted under the Development Code may result in tree removal when "no reasonable alternative exists to allow the property to be used as permitted in the zone".	The Committee is making a recommendation that the Community Development Code be reviewed with a focus on tree protection and maintaining the urban forest.	3

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Mitigation Requirements				
Date	Testified Site Address (as applicable)	Summary	Staff's Response	Exhibit
04-23-16 05-17-16	Patricia Herbert 5063 A Foothills Drive	Supportive of current mitigation requirements, but would prefer mitigation to be required for any tree removed.	Committee could consider adding mitigation requirements for other tree removal permits.	1
04-29-16	Gregory McMurray 4745 Oakridge Rd.	Providing incentives for using native trees to mitigate for the removal of non-native or invasive trees would be an improvement to the Tree Code.	The Committee could discuss incentives for using native trees for mitigation and adding mitigation requirements for other tree removal permits, including Invasive Tree Removal Permits.	6
05-08-16	Lynne Brady	There are 25 trees on a normal sized city lot in the Palisades. They block sunlight, cause litter, and create a danger of falling limbs. When attempting to remove trees, the City requires replacement trees. The Tree Code should allow tree removal without replacement in these situations.	One of the proposed amendments to the Tree Code establishes that mitigation requirements may be waived if the tree removal is for the purpose of thinning to improve the health of other trees. In addition, if the City finds that there is no space to plant a mitigation tree, the applicant for a tree removal permit may opt to make a payment-in-lieu of mitigation.	26
05-15-16	Charles Oppenheimer 845 9 th Street	Stocking requirements similar to those found in the Forest Management Practices Act would help preserve the urban forest. Consider requiring mitigation for hazard, emergency, and invasive trees. These trees contribute to the urban forest and should be replaced in order to maintain the wooded character of Lake Oswego. Consider allowing neighborhood associations to set	Committee could consider adding mitigation requirements for other tree removal permits. The Committee discussed stocking requirements and determined that they would require large scale changes to the tree code and increase the regulatory burden. These changes were determined to be contrary to the Council Charge.	29

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		stocking requirements that the City can enforce. Circumference and mature height could be used to determine the trees that qualify towards the stocking requirement.		
05-18-16	Morgan Holen	People should be provided mitigation credits for trees planted prior to the application for tree removal. Sometimes people plant trees to get them established before they remove other trees. These applicants must then either find room for an additional tree(s) or make a payment in lieu of mitigation.	The Committee could consider allowing young trees planted within a defined timeframe prior to the application for a tree removal permit to count towards mitigation requirements.	35

Fee and Fine Increases

Date	Testified Site Address (as applicable)	Summary	Staff's Response	Exhibit
04-27-16	Clay Werts	No additional fees.	Fee and fine increases fall outside of the scope of the Committee work, and any decisions made by the Committee will be an additional recommendation, separate from the proposed amendments to the tree code. Only one fee increase was approved by a two-thirds majority. This will be discussed by the Committee.	4
04-27-16	Karen Ifversen	Fines should be significantly higher for tree removal in violation of the tree code.	See above	5
05-05-16	Andrew Ferguson 1188 Cherry Circle	The Committee should not increase the fees and fines related to the tree code.	See above	9

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		Positive incentives for maintaining the tree canopy would be better.		
05-05-16	Charles Hoff	The Committee should not increase any fees or fines, and should not implement punitive regulations.	See above	11
05-05-16	Sarah Harlan 1131 Larch St.	The increases in fees and fines proposed by the subcommittee are too high, and were not disclosed at the open house. It is nice to live in a tree city, but the City should also respect residential property owners.	The majority of the proposed increases in fees were not discussed at the public open house because they did not have the required level of support from the Committee as a whole to be included. See above	12
05-05-16	Jerry Marlow	The suggested fee and fine increases are contrary to the charge City Council gave to the Committee.	See above	13
05-05-16	John Wendland 15495 Village Drive	The proposed increases in fines are exorbitant and punitive. A simplified code with reasonable processing fees will diminish the need for fines while encouraging the canopy to grow.	See above	14
05-05-16	Gail Barram	Please reconsider the proposed changes to regulations, fees, and fines related to the tree code. The new regulations seem punitive and oppressive, and put an undue burden on those who care about the health of trees.	See above	16
05-05-16	Gary Gipson Gale Gipson	The proposed fee and fine increases are financial hardships for citizens, and are	It is unlikely that any increase in fees or fines would result in the addition of city staff for enforcement.	17

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	19 El Greco	punitive and restrictive. Enforcement would unnecessarily increase the size of city staff.	See above	
05-05-16	Alan Baker 1264 Hide-A-Way Lane	The proposed fee increases are onerous and punitive, designed more to generate local revenue than to create reasonable public policy. What justifies these rate increases? Fees and fines are another form of taxation, and should be subject to voter approval.	See above	18
05-05-16	Peter Klæbe	As Co-chair of a neighborhood association that is mostly outside of city limits, fees and rates are one of the major concerns whenever annexation is discussed. Fees and fines should reflect the actual cost of service, not an attempt to raise income.	See above	19
05-05-16	Linda Erickson	The proposed increases in fees and fines are horrifying.	See above	20
05-06-16	Gail Parrick	The fee for increase for hazardous and dead trees seem particularly punitive. People on fixed incomes need to be able to remove dead and hazardous trees. The restoration fee is also increased. These proposed changes are way too much.	See above	21
05-06-16	John Vezmar 1248 Larch St.	The proposed fee and fine increases are punitive. Citizens, especially those on fixed incomes, would not be able to afford these fees and fines.	See above	22

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05-08-16	Scott Smith 846 Country Commons	People should be fined for non-compliance with the Tree Code, but the proposed fee and fine increases are outrageous, draconian, and are not justified.	See above	24
05-11-16	Christina West William Conerly	The recommended changes in fees are outrageous. Fees should be reduced.	See above	27
05-16-16	Melvin Brown, Jr.	Residents are continually being hit with higher fees. The proposed increase in fees and fines seem out of line.	See above	30
05-19-16	Neil Kozlowski 95 D Ave	The suggested fine increases are significantly punitive to a homeowner, but just another cost of doing business to developers. There should be a two tier system with one tier for actual resident homeowners, and another for businesses and developers.	The Committee could consider recommending an additional fee for tree removal in development situations. See above	36
05-19-16	Kevin Poling	The only reason for increased fees and fines is more revenue for the City to grow the bureaucracy.	Increases to fees and fines were considered by the Committee as a deterrent for tree removal. See above	37