

Scott Stauffer

From: Tawnya Dettmer <tdettmer@gmail.com>
Sent: Thursday, February 3, 2022 8:14 PM
To: OCR
Subject: Tree ordinance under consideration

This Message originated outside your organization.

As a 25 year resident of Milwaukie- reviewing the proposed tree ordinance- specifically the cost of tree removal by size- shocks and angers me. Milwaukie is a working family town. According to statistics from Milwaukie High School- 50% of the student population lives in the "low income" demographic. I believe most families in our town do not have upwards of \$6000. dollars available if it would become necessary to remove a tree. Not including arborist fees.

I'm all for having a way to improve our tree canopy and protect current trees, but we must make it reasonable and not a burden for homeowners.

Thank you,

Michael and Tawnya Dettmer

Sent from my iPhone

To: Milwaukie City Council

From: Paul Anderson

Date: 2/4/2022

Regarding: Proposed Tree Ordinance

In the 2/1/22 meeting, Natalie mentioned that some communities have more tree canopy than Milwaukie, Lake Oswego with 47% and West Linn with 38%. It should be noted that those communities have larger lots and large green spaces that contribute greatly to their tree canopy. Milwaukie doesn't have those large green spaces and to try to squeeze 40% tree canopy onto a residential development just isn't possible. Natalie admitted that many, if not most, new developments won't be able meet the 40% requirement, depending on lot sizes, building footprint, and other factors. Pertaining to this, the code states:

d. If the tree preservation and/or tree canopy standards have not been met, provide calculations for the applicable tree mitigation fees as required by MMC 16.32.042.D.

e. If the applicant is seeking a variance to the tree preservation and/or tree canopy standards in place of providing mitigation fees, provide findings that demonstrate the proposal provides equivalent or greater environmental benefits as preserving or planting the required tree canopy consistent as required by MMC 16.32.042.E.

This means that most developments will have to pay mitigation fees or spend a bunch of time and money trying to demonstrate some sort of other mitigation. The 40% canopy requirement should not be a hard number. It should be a variable based on lot size, building footprint, and other factors. Otherwise, it will disproportionately hurt development of small lots and especially someone wanting to put an ADU onto their existing lot, all of which goes against the city's goal of more affordable housing.

Natalie also stated that in order to get more tree canopy, developers would not necessarily have to follow table 16.32.042.H. Is the language in that part of the code going to be changed from "must be met" to "try to meet" or some other less restrictive language? Also, there still are no definitions for small, medium, and large stature trees. When will we see those?

Getting into the details of residential tree cutting permits part of the ordinance, in the type 2 permit section, the code states: "The City will not issue a type 2 permit for the removal of a healthy, functioning tree without a demonstration by the applicant that extraordinary circumstances exist". Please define or give examples of "extraordinary circumstances". If I am reading it right, it will be almost impossible for anyone to cut down any healthy tree that is larger than 12 inches in diameter. Is that correct? If so, it is awfully heavy handed.

I prune my trees myself. According to the enforcement section of the code it looks like I can be fined for not pruning my trees correctly:

b. Topping, pruning, or otherwise inflicting willful and negligent damage to a tree crown or roots in a manner that is inconsistent with ISA best management practices:

(1) Up to the amount established in the Master Fee Schedule or up to the appraised loss in value of the illegally topped or pruned tree as determined by an ISA certified arborist plus the arborist's reasonable appraisal fee.

(2) Restoration of the tree crown, trunk, or root system as prescribed by an ISA certified arborist and approved by the Urban Forester.

Is everyone who prunes their own trees expected to purchase and study up on ISA best practices before they do the pruning? Does it really matter if someone makes a mistake? I have been pruning my trees for 20 years and have no idea if I am following ISA best practices or not. The trees look fine and none have died, so I must have been doing something right.

The code also many times refers to the "Master Fee Schedule". Has it been published anywhere for the public to see? I got to see portions of it by watching the Zoom meeting, but couldn't find it on the city's website.

I have not combed through the entire ordinance but I suspect there are many more details that are missing or things that aren't clear. I think it would be wrong to pass it before all of the details are worked out and how the ordinance would interact with parking and other requirements are studied.

Regarding the "Non-Development Tree Permit Requirements" part of this ordinance, I understand the desire to preserve the trees we have but I think it is not needed. We all like the trees we have here, but those trees didn't get here because of some government regulation. They got here because people planted them and want to keep them. That isn't going to change. They aren't going to cut them down for no good reason.

The current tree canopy in Milwaukie is 26% and this part of the ordinance is not going to increase it in any perceptible way. If anything, just proposing this ordinance has probably frightened people into cutting down trees they would have otherwise kept. The council should drop this part of the ordinance and put out a statement that there won't be any restrictions on the cutting of trees on private properties. Otherwise, more trees will come down.

I also think that an ordinance of this magnitude should not be passed with the only public input being letters, emails, and Zoom meetings. At a minimum, there needs to be real public meetings where more citizens can voice their opinions. Beyond that, I really think that it should be made into a ballot measure so that we can all vote on it. Otherwise, it will appear that the government just rammed something down our throats.

Please answer the questions I have raised.

Thanks,

Paul Anderson

Scott Stauffer

From: Lisa Batey
Sent: Friday, February 4, 2022 2:56 PM
To: _City Council; Natalie Rogers; Peter Passarelli; Vera Kolas; Laura Weigel
Subject: FW: Proposed Tree Code

Scott, Natalie and all – please add to the record.

From: Anthony Allen <allena392@gmail.com>
Sent: Friday, February 4, 2022 2:25 PM
To: Angel Falconer <FalconerA@milwaukieoregon.gov>; Lisa Batey <BateyL@milwaukieoregon.gov>; Desi Nicodemus <NicodemusD@milwaukieoregon.gov>; Kathy Hyzy <HyzyK@milwaukieoregon.gov>; Mark Gamba <GambaM@milwaukieoregon.gov>
Subject: Proposed Tree Code

Dear City of Milwaukie Council Member,

I am writing you in regards to the proposed Tree Code amendments. I would like to preface my comments by stating that I have been passionately involved in horticulture for almost 35 years, and very much consider myself a lover of trees, as can be attested to the many (some very large) I have planted in my yard over the past 6+ years. As a horticulturist, I realize there are numerous tree species that grow very quickly, surpassing a 6" DBH in a relatively short time. Douglas Fir, the tree on our license plates is but one of these fast-growing tree species, of which there are several. I ask the Council to require the proposed code to adhere to the 12" DBH threshold that was written into the proposed code before it was changed to 6" DBH earlier this year.

Besides a tree being diseased or it threatening a home's infrastructural, there are other legitimate reasons a person might find it necessary to remove a tree from their lot: seasonal depression from not enough sun; wanting to grow your own food crops; building another living structure on your property. In the first instance, it should be considered a health issue. In the case of growing food crops, it is a sustainability issue. I don't believe in either of these instances a homeowner should have to pay the city to address these issues. In the case of a property owner adding another structure to their property, the City will already levy substantial fees for numerous permits needed just to build, therefore a fee for removing a tree up to 12" adds what can be considered an undue burden in an already very expensive process. Contrary to one of the Council member's comments about trees being removed because people didn't like the leaves they drop, to imply that this is the primary reason people remove trees from their property seems disingenuous. I wish overly simplifications of this sort were not made.

I would like to address the fact that the City currently removes many healthy trees from the environment. The former small natural area that is now Kronberg Park is such an example. As a resident of the Lake Road neighborhood, I can attest that the creation of the park not only removed an already established natural area but also displaced significant wildlife while adding to the noise and other pollution of McLaughlin Blvd. I live close enough to the area that I see and hear these impacts from my yard. While I advocate for the creation of parks in all of our cities, I'm not sure how eliminating an already established natural area supports the City's now stated desire for increased tree canopy. The City's own arborist suggested that the large Oak tree that was left in the park be removed. It was only the resistance of residents that allowed the tree to remain. I make this point because while I am often in support of the policies of the City, I do not necessarily believe the City in every instance is a better steward of our lands than private residents. There are far too many cases to point to that support this view. Another local case that comes to mind is the Cerangino Farms housing development. The City allowed developers to build houses so large that it is simply impossible for any of those houses to meet a 40% canopy standard. I believe the City is ultimately responsible for this outcome of little to no canopy, yet now is proposing other homeowners pay fees for removing trees on their property. It would always be better if the City showed it is willing to lead by example. I have yet to see that consistently be done.

I also have grave concerns about ownership. Over the past several years I have invested many thousands of dollars in large nursery stock for my yard, which was nearly empty when I moved here. This was not the cost for labor since I do that myself but in actual costs of plants. Several of the trees will soon exceed 6" DBH. Is the City of Milwaukie saying I won't have the right to do whatever I

want with these plants that I, not the City, paid for? If I were to relocate from Milwaukie, am I allowed to remove those plants and relocate them out of the city with me, without any fee or need to involve the City at all? If I am not able to do these things, does the City intend on purchasing the trees that I paid from me at market value once they attain a DBH of greater than 6"? If not, clearly that is a complete overreach of Milwaukie's government. Unless the City specifically notifies residents that ownership of trees they purchase reverts to the City of Milwaukie upon reaching a DBH of 6", the City is essentially not being honest and upfront about the proposed code and how it affects ownership and guardianship of trees residents purchase. These are only a few practical points that do not seem to be addressed in the code revisions.

One other clarification I would like. At the Council meeting this past Tuesday, Heritage Trees were mentioned. While I fully support the preservation of heritage trees, I believe one Council Member inferred that size, not age, was a determining factor when administering this designation. This I believe is wrong, as there are too many very fast-growing trees that appear to be "heritage", but are in fact not very old at all. Most horticulturists understand size does not always equate to age. Because of that mention by the Council Member, I am unsure of what the City is using to determine its Heritage trees, and would like to be informed of the process being used.

I lament the fact that the City of Milwaukie, like our Federal Government, often fails to ask the entities that most damage our collective resources, such as Industrial and commercial interests, as well as residential lots with large housing complexes, to proportionally share in the responsibility of addressing the degradation they helped cause and we now face.

The Council is under the impression that residents should have been aware of this proposal, supposedly via formats such as The Pilot, social media, and neighborhood NDAs. Until September when I received a notice from the City in the mail and then a follow-up notice correcting the Planning Committee meeting time, I was completely unaware of this proposal. I bring this up because I do read The Pilot and do not recall any details about the proposed code, and have attended every single Lake Road NDA meeting for more than 18 months and the subject was never once brought to my attention. Perhaps you should require NDA leadership to bring these proposals up in their meetings. Also, more than a year ago after reading in The Pilot that the Tree Board was looking for volunteers, I emailed to do so, and never received a response to my email. Regardless of the reason for a lack of a response, there exists a lack of response from the City in this regard. Therefore, when I hear Council members make claims that residents had every opportunity to be informed, I'm left with the feeling that the City is being somewhat insincere in its claims.

Lastly, I am sure you receive correspondences from residents that don't agree with many City policies, and perhaps exhibit anti-government sentiments. I would like to state that not only am I not anti-government in general but have always considered myself a very liberal person, a lifelong Democrat, I've been involved in horticulture for more than 35 years, a yearly financial supporter of The Nature Conservancy, I've been a volunteer in several of the communities that I belong, sit on the Board of Directors of a national arts organization, and as a young adult I canvassed for organizations such as Greenpeace and the Maine People's Alliance. I bring this up because I want to stress that I am not opposing this proposal just because I "don't want the government telling me what to do", but because I have serious concerns about some of the points in this proposal. And while there are many points in the proposal that I support, I believe certain points to the proposed code are unreasonable, and some inherently unjust. Therefore, I ask the Council to not vote on this proposal as it is currently written, and address the points that I am making.

Respectfully,

Anthony Allen

Milwaukie resident

Scott Stauffer

From: Lisa Batey
Sent: Sunday, February 6, 2022 1:09 PM
To: _City Council; Peter Passarelli; Natalie Rogers; Laura Weigel; Vera Kalias
Subject: FW: Proposed Tree Code

Scott: I don't know that this really adds any substance to the comments you captured last week, but in the interests of full transparency, I thought it should probably be added to the record, too. Thanks, Lisa

From: Anthony Allen <allena392@gmail.com>
Sent: Saturday, February 5, 2022 11:32 AM
To: Angel Falconer <FalconerA@milwaukieoregon.gov>; Lisa Batey <BateyL@milwaukieoregon.gov>; Desi Nicodemus <NicodemusD@milwaukieoregon.gov>; Kathy Hyzy <HyzyK@milwaukieoregon.gov>; Mark Gamba <GambaM@milwaukieoregon.gov>
Subject: Re: Proposed Tree Code

Dear City of Milwaukie Council Members,

I submitted some of my concerns to you regarding the proposed tree code. Upon reflection, I realize that I failed to let you know that I appreciate all the effort that goes into running our city, particularly since you volunteer your time to do so. I realize the very difficult task each of you has of balancing the public and private interests of residents, and I am certain that task is complex, challenging, and often thankless. In my previous correspondence, I presented my feeling on a subject I feel very strongly about. However, That does not negate the fact that I believe each of your efforts is done with the best interest of Milwaukie and its residents in mind. I have lived in Milwaukie only for a total of 8 years, 6 in the house where I now live and 2 in the duplex next door. I have very high regard for the city, and attribute that feeling to the work, often thankless, that is done by folks such as yourself. Regardless of my personal views on this particular subject, I am very thankful there are many people who work towards making this the fine city it is and regret that I did not convey this opinion when I shared my last. Thank you for all you do!

Anthony Allen

Milwaukie resident

On Fri, Feb 4, 2022 at 2:25 PM Anthony Allen <allena392@gmail.com> wrote:

Dear City of Milwaukie Council Member,

I am writing you in regards to the proposed Tree Code amendments. I would like to preface my comments by stating that I have been passionately involved in horticulture for almost 35 years, and very much consider myself a lover of trees, as can be attested to the many (some very large) I have planted in my yard over the past 6+ years. As a horticulturist, I realize there are numerous tree species that grow very quickly, surpassing a 6" DBH in a relatively short time. Douglas Fir, the tree on our license plates is but one of these fast-growing tree species, of which there are several. I ask the Council to require the proposed code to adhere to the 12" DBH threshold that was written into the proposed code before it was changed to 6" DBH earlier this year.

Besides a tree being diseased or it threatening a home's infrastructural, there are other legitimate reasons a person might find it necessary to remove a tree from their lot: seasonal depression from not enough sun; wanting to grow your own food crops; building another living structure on your property. In the first instance, it should be considered a health issue. In the case of growing food crops, it is a sustainability issue. I don't believe in either of these instances a homeowner should have to pay the city to address these issues. In the case of a property owner adding another structure to their property, the City will already levy substantial fees for numerous permits needed just to build, therefore a fee for removing a tree up to 12" adds what can be

considered an undue burden in an already very expensive process. Contrary to one of the Council member's comments about trees being removed because people didn't like the leaves they drop, to imply that this is the primary reason people remove trees from their property seems disingenuous. I wish overly simplifications of this sort were not made.

I would like to address the fact that the City currently removes many healthy trees from the environment. The former small natural area that is now Kronberg Park is such an example. As a resident of the Lake Road neighborhood, I can attest that the creation of the park not only removed an already established natural area but also displaced significant wildlife while adding to the noise and other pollution of McLaughlin Blvd. I live close enough to the area that I see and hear these impacts from my yard. While I advocate for the creation of parks in all of our cities, I'm not sure how eliminating an already established natural area supports the City's now stated desire for increased tree canopy. The City's own arborist suggested that the large Oak tree that was left in the park be removed. It was only the resistance of residents that allowed the tree to remain. I make this point because while I am often in support of the policies of the City, I do not necessarily believe the City in every instance is a better steward of our lands than private residents. There are far too many cases to point to that support this view. Another local case that comes to mind is the Cerangino Farms housing development. The City allowed developers to build houses so large that it is simply impossible for any of those houses to meet a 40% canopy standard. I believe the City is ultimately responsible for this outcome of little to no canopy, yet now is proposing other homeowners pay fees for removing trees on their property. It would always be better if the City showed it is willing to lead by example. I have yet to see that consistently be done.

I also have grave concerns about ownership. Over the past several years I have invested many thousands of dollars in large nursery stock for my yard, which was nearly empty when I moved here. This was not the cost for labor since I do that myself but in actual costs of plants. Several of the trees will soon exceed 6" DBH. Is the City of Milwaukie saying I won't have the right to do whatever I want with these plants that I, not the City, paid for? If I were to relocate from Milwaukie, am I allowed to remove those plants and relocate them out of the city with me, without any fee or need to involve the City at all? If I am not able to do these things, does the City intend on purchasing the trees that I paid from me at market value once they attain a DBH of greater than 6"? If not, clearly that is a complete overreach of Milwaukie's government. Unless the City specifically notifies residents that ownership of trees they purchase reverts to the City of Milwaukie upon reaching a DBH of 6", the City is essentially not being honest and upfront about the proposed code and how it affects ownership and guardianship of trees residents purchase. These are only a few practical points that do not seem to be addressed in the code revisions.

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I lament the fact that the City of Milwaukie, like our Federal Government, often fails to ask the entities that most damage our collective resources, such as Industrial and commercial interests, as well as residential lots with large housing complexes, to proportionally share in the responsibility of addressing the degradation they helped cause and we now face.

The Council is under the impression that residents should have been aware of this proposal, supposedly via formats such as The Pilot, social media, and neighborhood NDAs. Until September when I received a notice from the City in the mail and then a follow-up notice correcting the Planning Committee meeting time, I was completely unaware of this proposal. I bring this up because I do read The Pilot and do not recall any details about the proposed code, and have attended every single Lake Road NDA meeting for more than 18 months and the subject was never once brought to my attention. Perhaps you should require NDA leadership to bring these proposals up in their meetings. Also, more than a year ago after reading in The Pilot that the Tree Board was looking for volunteers, I emailed to do so, and never received a response to my email. Regardless of the reason for a lack of a response, there exists a lack of response from the City in this regard. Therefore, when I hear Council members make claims that residents had every opportunity to be informed, I'm left with the feeling that the City is being somewhat insincere in its claims.

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proposal that I support, I believe certain points to the proposed code are unreasonable, and some inherently unjust. Therefore, I ask the Council to not vote on this proposal as it is currently written, and address the points that I am making.

Respectfully,

Anthony Allen

Milwaukie resident

To: Milwaukie City Council

From: Paul Anderson

Date: 2/8/2022

Regarding: Proposed Tree Ordinance

The stated purpose of this ordinance is to “ensure the City maximizes the environmental, economic, health, community, and aesthetic benefits provided by its urban forest.” But why? Why do we need to “maximize” the benefits of the urban forest? The current canopy in Milwaukie is 26%, which I think is very good. Why do we need to make it better? Are you striving for perfect? And at what cost?

During the 2/1/22 meeting, Natalie stated that the 40% canopy value came from the “American Forest Institute”. I did an online search for the “American Forest Institute” but got no results. Please send me a link to that organization. I would like to see their justification for that 40% recommendation. I suspect it may have something to do with global warming, but don’t want to assume that.

Natalie also said “There are situations where it’s (40%) not going to be achievable, that is when that mitigation opportunity, or the alternative design variance is available to them.” I would argue that 40% will not be achievable in any new development. Lots in my neighborhood, which was developed in 1996, do not have room for 40% canopy. The Maplewood development, built in 2003, does not have room for 40% canopy, and Cereghino Farms absolutely does not have room for 40% canopy. Can you name a single development in Milwaukie in the last 20 years that does have room for 40% canopy?

The only lots that can get to 40% canopy are those that are 10,000 square foot and larger. With the city’s desire to increase housing density, will the city ever allow there to be any new developments with 10,000 square foot or larger lots? Probably not.

The 40% appears to be a value that is just used to generate large mitigation fees. It hasn’t been demonstrated that it can ever be achieved, and certainly not by 2040. Trees don’t grow that fast.

If 40% is not achievable then paying a mitigation fee is not an “opportunity”, it is a requirement. And what kind of alternative design would be allowed? Would a large green space in the development be accepted? Probably not. I’m sure the city would rather have the tax revenue from additional houses AND get to collect the mitigation fees.

It also looks like this ordinance gives city personnel the ability to walk onto our property any time they want to as long as the reason has something to do with trees.

16.32.023 INTERFERENCE WITH CITY: No person will prevent, delay, or interfere with the Urban Forester or designee while they are engaged in work activities including, but not limited to inspection of trees subject to the provisions of this chapter, planting, cultivating, mulching, pruning, spraying, or removing any street trees, park trees, or dead, diseased, or infested trees on private land, as authorized in this chapter.

Shouldn’t the Urban Forester at least be required to give the owner notice? As I read it, all trees 6 inches or larger are subject to the provision of this chapter. Am I reading it correctly?

Except for trees that are in the public right of way, any trees on private property should be considered private trees. Through this ordinance the city would take control of those private trees. The city would have the right to inspect the trees, order the property owner to remove a dead or diseased tree, fine the property owner for incorrectly pruning or damaging a tree, and decide whether or not a tree can be removed. So, if a property owner no longer has control of his trees, does he really own them? It looks to me like this ordinance transfers ownership of trees to the city. If this is true, isn't the city required to compensate the property owner for "taking" the trees? There are also limits on the purposes for which private property can be taken. Do trees fall within those limits? And wouldn't forcing someone to cut down his own tree be a violation of "nor the particular services of any man be demanded"?

Oregon Constitution

Section 18. Private property or services taken for public use.

Private property shall not be taken for public use, nor the particular services of any man be demanded, without just compensation; nor except in the case of the state, without such compensation first assessed and tendered; provided, that the use of all roads, ways and Waterways necessary to promote the transportation of the raw products of mine or farm or forest or water for beneficial use or drainage is necessary to the development and welfare of the state and is declared a public use.

Up until now I have been just looking at the details of the ordinance. Now I want to talk about the big picture. Our country was founded on the principle that our rights come from God and that the purpose of government is to secure those rights. One of those rights is the right of private property. The government should secure that right, not take it away. We have the right to do whatever we want with our property, as long as it doesn't harm others. It looks to me like this ordinance violates that right.

I am not fighting this ordinance for myself. This ordinance won't affect me. I am representing some of my neighbors who will be affected. Everyone I have talked to in my neighborhood about this is against it. Even more so after I tell them about the fees. You, as councilors, should be doing the same, representing your neighbors, not the Audubon Society, North Clackamas Watershed Council, Urban Greenspaces Institute, or any other special interest group. Even if you agree with some of those groups, you should listen to your neighbors, and if the majority are against it, you should be against it too.

I don't oppose this ordinance because I dislike trees. If you do a little research, you will see that I played a significant role in saving the cedar trees on Somewhere Drive when the Maplewood development was put in.

I do value trees, but I am against bad public policy and government overreach. As one of our neighbors said to my wife: "THIS IS JUST PLAIN WRONG".

Another question: Are my letters and the letters and emails of others who have commented on this ordinance available to be seen by those in the public who are interested? Are there links to this information on the city's website?

Thank you,

Paul Anderson

Scott Stauffer

From: Teresa Bresaw <tbresaw50@gmail.com>
Sent: Friday, February 11, 2022 11:52 AM
To: OCR
Subject: Tree code and Process

This Message originated outside your organization.

Hello, Everyone!

How to pass a private property tree code (the wrong way)

1. Do it during a time when in person meetings can't take place with the general public.
2. Do it without providing the cost to the homeowner until very late in the process.
3. Do it without the NDAs bringing it to their members for discussion. Lake Rd NDA did not and how many others?
4. Don't consider the financial burden residents are already under to maintain their homes and rising costs of everything including taxes.
5. Select citizens for the tree board that have a strong bias without enough regard to the average homeowner and the practical concerns of implementation and enforcement.

The majority of residents love trees! I have only encountered 3 persons in 28 yrs that don't want trees in their yard (never planted) because of the labor and expense involved.

I believe in government regulation but the rules are not at all encouraging.

The December Pilot stated "If a tree is larger than 6" at breast height, a permit is required for removal. In the draft code, each property can remove one healthy tree without removal fees per calendar year."

The application permit is \$50 and the removal fee (to the city) if over 12" diameter is \$1350 plus since \$175 may be the reinspection fee (\$200 in permit fees).

Bottom line is reading the Pilot, leads one to believe that removing 1 healthy tree larger than 6" per year requires the \$50 permit and NO removal fees. It states that in black and white. A permit fee and removal fee are 2 different things. This leads citizens to think they don't have to worry.

The Pilot also states "hazard, dead or dying trees larger than 6" in diameter? A permit would be required for tree removal, but no fee would be imposed..., a long list of approval standards including these situations, that would result in an approved tree removal permit without removal fees."

Again people would think no permit fee imposed and no removal fees.

If this information is not correct in the Pilot, then a new article should be written before any code is passed.

The democratic process is important and is difficult. I was on the Planning Commission many years ago and realize each of us have agendas.

The 80% of the median income to qualify for waiving of fees will not help the majority of citizens.

I have tried hard to understand the code. Please let me know if I don't. I don't think I'm the only one confused.

Affordability is important to all residents and city volunteers and staff need to understand that fees and taxes can make this barely affordable city NOT affordable.

Sincerely

Teresa Bresaw

Scott Stauffer

From: Paul A. <versengr@gmail.com>
Sent: Sunday, February 13, 2022 6:19 AM
To: OCR
Cc: tbresaw50@gmail.com
Subject: Tree Ordinance

This Message originated outside your organization.

Milwaukie City Council Members,

Since moving to Milwaukie almost 25 years ago, I have planted 7 trees in my yard. I assume that you think this is a good thing. But now, because I have done this “good thing”, I will be subject to possible fees and fines.

My next door neighbor, however, has not planted a single tree in those 25 years. From your point of view, this is bad, but yet he won't be subject to any fees or fines.

Is this fair? Certainly not. I have added to the tree canopy, but he has not. Yet, he will not have to pay any fees or fines, but I may have to.

This ordinance may actually reduce the tree canopy instead of increasing it. I certainly won't plant another tree and my neighbor will have even more reason not to plant a tree.

In general, this ordinance will cause people to be hesitant to plant trees. This, along with people cutting down trees before the ordinance takes effect, will result in Milwaukie having less trees instead of more.

Please take into account the unintended consequences of this ordinance. It may end up doing the exact opposite of what you intended it to do.

Why not instead provide incentives for people to plant more trees. It would be much more likely to increase Milwaukie's tree canopy than fines and fees.

Thanks,

Paul Anderson

Re: Written Testimony for **Agenda 8.B, Parking Code Amendments**, Regular Session, February 15, 2022

Hello: Mayor Gamba, Council President Hyzy, and Councilors Batey, Nicodemus, Falconer; City Manager Ober and Senior Planner Kolas

I ask that Council *Modify the Minimum Parking Requirement for Middle Housing.*

Cap, at 30, the total number of new middle housing units to be constructed with zero off-street parking spaces (excepting Cottage Clusters, as referenced in Table 19.605.1).

Alternatively, allow a limited on-street parking space variance review, if the total number of new middle housing units with zero off-street parking exhausts this 30-unit total Cap. This review would weigh the on-street parking and safety aspects of the middle housing site.

Justification for this modification in Middle Housing:

The proposed minimum parking requirement for Middle Housing submitted to the Planning Commission initially required one off-street parking space for each new Middle Housing Unit constructed (ADUs and Cottage Clusters excepted). The Planning Commission struck this proposed Parking Amendment, eliminating the requirement to provide for off-street parking in new Middle Housing.

The Planning Commission struck the Middle Housing Parking Minimum stating that only 20 to 30 Middle Housing units are likely to be built over the next 20 years – an inconsequential number either way.

But what if this linear projection turns out to be too low? Then there is a more adverse result for public safety for walkers and bicyclists, depending on the conditions of the street (block) servicing a new middle housing unit. I do not have to tell you that many of Milwaukee's neighborhood streets lack sidewalks and are often with rutted, potted surfaces (neighborhood streets are generally not within the SAFE program improvement plan which concentrates more on main arterials and school zones). Additionally, there may be several cars typically parked already on these streets. Then there is topography which may be hilly or curvy rather than straightway like. **Line of site becomes more obstructed** in these conditions, and adding yet more cars parked on the street can add to this obstruction.

Finally, many **Milwaukie residents have been involved** in developing the proposed amendments and **the product of their involvement included the one parking space minimum** for new Middle Houses – the Planning Commission later strikes without seeming unanimity.

I should think the Council would give at least some deference to the public input process and require some modification to the zero minimum off-street parking approved by the Planning Commission. The Planning Commission's parking space code for middle housing is too binary and should be modified to provide for flexibility/adaptability along the lines I recommend.

Sincerely,
Elvis Clark
Member of the Public Safety Advisory Committee
Ardenwald neighborhood
Milwaukie 97222