Dear Chair Walvatne and Commissioners,

I am writing to you concerning the tree protection code as currently stated in the West Linn Community Development Code (CDC).

The West Linn CDC, specifically 55.100(B)(2)(b), states in part that "up to 20 percent" of the property under development "shall be set aside" for significant trees and tree clusters. The "up to 20 percent" wording is concerning to me as it sets no low end for tree protection percentage.

> *Non-residential and residential projects on non-Type I and II lands shall set aside **up to 20 percent** of the protected areas for significant trees and tree clusters, plus any heritage trees. Therefore, in the event that the City Arborist determines that a significant tree cluster exists at a development site, then **up to 20 percent** of the non-Type I and II lands shall be devoted to the protection of those trees by limiting development in the protected areas. The exact percentage is determined by establishing the driplines of the trees or tree clusters that are to be protected. In order to protect the roots which typically extend further, an additional 10-foot measurement beyond the dripline shall be added. The square footage of the area inside this "dripline plus 10 feet" measurement shall be the basis for calculating the percentage (see figure below). The City Arborist will identify which tree(s) are to be protected. Development of non-Type I and II lands shall also require the careful layout of streets, driveways, building pads, lots, and utilities to avoid significant trees, tree clusters, heritage trees, and other natural resources pursuant to this code. Exemptions of subsections (B)(2)(c), (e), and (f) of this section shall apply. Please note that in the event that more than 20 percent of the non-Type I and II lands comprise significant trees or tree clusters, the developer shall not be required to save the excess trees, but is encouraged to do so. (Emphasis added.)*

Under the code as written, there is no minimum percentage of trees that are required to be saved. I request that the Planning Commission revise this code section to ensure better protection of significant trees, tree clusters, and, especially, heritage trees. A suggested modification is to update the code language to require that a minimum of (**at least**) 20% (or even 25%) of the significant trees be saved. Revising the language in this manner provides more solid ground for planning staff and the Planning Commission when it comes to saving trees.

Also, similar to the above, CDC 85.200(A)(1) states in part that "up to 20%" of the property under development "may be excluded as necessary for the purpose of protecting significant tree(s)...".

Streets shall also be laid out to avoid and protect tree clusters and significant trees, but not to the extent that it would compromise connectivity requirements per this subsection (A)(1), or bring the density below 70 percent of the maximum density for the developable net area. The developable net area is calculated by taking the total site acreage and deducting Type I and II lands; **then up to 20 percent of the remaining land may be excluded as necessary for the purpose of protecting significant tree clusters or stands as defined in CDC 55.100(B)(2).** *(Emphasis added.)*

Again, revising this code section to read that "**at least**" 20% (or even 25%) of the remaining land "**shall**" be excluded as necessary for the purpose of protecting significant tree clusters or stands will help strengthen our tree protections in West Linn.

Please revise these code sections to better protect trees in West Linn.

Regards,
Ed Schwarz
West Linn