

MEMBERS PRESENT:

Andrea Blum Council President
Jennifer Letz Councilor
Gary Ross Councilor
Susan Cobb Councilor

STAFF PRESENT:

Joe O'Neill Interim City Manager
Paul Bertagna PW Director
Scott Woodford CDD Director
Kerry Prosser City Recorder
Jacob Smith Code Compliance Officer

ABSENT:

Michael Preedin Mayor

Council President Blum called the workshop to order at 5:30 pm.

1. Code Enforcement Update

Director Woodford explained this was an update on the code enforcement program and its progress over the past 15 months. He noted that before hiring a Code Compliance Officer, the program relied on a team effort from the Community Development staff; since the Code Compliance Officer was hired, significant improvements were made in the program. Director Woodford would like to get feedback on the program and align the level of enforcement with the Council's expectations.

CCO Smith reviewed the staff report. He said In the past year, the code enforcement program prioritized fire and ADA issues, mainly related to overgrown vegetation. Nuisance Code violations included grass exceeding five inches and any obstruction on or above sidewalks. The program also addressed citizens' complaints and started tracking the outcomes of these complaints. It was found that 32% of the reported violations had no violations found, which was slightly higher than expected. Over the first 13 months of the program, a total of 364 enforcements were carried out. The largest category was nuisances, accounting for 71% of the cases, with various violations such as overgrown vegetation, debris accumulation, tree issues, sidewalk problems, and junk vehicles. The second largest category was design standards, primarily related to signage, ADA compliance, and temporary signs. Land use violations accounted for 10% of the cases, focused on zoning and dark skies issues. Lastly, the "other" category represented 3% of the cases, encompassing miscellaneous violations.

CCO Smith had a positive working relationship with Lieutenant Davis from the Sheriff's Department. They had regular monthly meetings to exchange information and address shared issues. Parking problems, including vehicles parked on public property or staying for extended periods and disabled vehicles on the road, were the main complaints directed to the Sheriff's Department. Additionally, the Sheriff's Department handled cases related to dogs at large and loud noise.

CCO Smith highlighted the importance of working with property owners to achieve voluntary compliance with the Code. They tried to avoid issuing citations, as these did not necessarily resolve the underlying issues. Over the course of a year, from April to April, they achieved a 93% voluntary compliance rate, with 6% of cases still pending and only 1% requiring abatement.

CCO Smith said because the City did not have a prior code enforcement department when he started, he had to amend some of the Code to ensure effective enforcement. To aid in this process, he implemented programs such as administrative infractions. COO Smith continued to review and refine code language to align it better with the City's objectives.

Councilor Letz asked when you were working on a code violation how much staff time and money was involved in getting to voluntary compliance versus taking it to a judicial level. COO Smith replied that the sooner you could get the compliance, the cheaper it would be; residents had been willing to do the work, so it had been easy for the most part.

Council President Blum asked if there had been any issues with absentee homeowners. COO Smith replied it was not an issue; most properties were investments, so they were maintained.

The Council asked how contact was made with code violators. COO Smith said the standard procedure was a courtesy letter; the next contact would be a more professional letter that outlined the enforcement. He did not knock on doors because he did not know if a tenant was living at the property who was not responsible for the issues.

Council President Blum asked if citizens asked where the complaint originated. COO Smith replied most did not ask.

2. Review Draft Private Property Tree Removal Code

Director Woodford explained the City currently regulates various aspects of trees, including those on public property and during development reviews. However, there was a need to address situations where tree removal was not associated with development projects, such as when a private individual wanted to remove a dead or diseased tree from their backyard. Director Woodford explained staff would like to move the existing code language from the Development Code and incorporate it into the Municipal Code to create a framework for regulating tree removal in non-development contexts. Director Woodford said this was not adding new Code but rather relocating and refining an existing one.

COO Smith explained the existing Code related to tree regulation was originally part of the Development Code, which was not the most appropriate place for it. The proposed

amendments took the existing procedures and moved them into the Municipal Code, with some minor adjustments. The Code begins with definitions, including defining a significant tree as one with a diameter of 8 inches measured at 4.5 feet above the ground. Feedback from the Urban Forestry Board indicated that 8 inches might be too small for a significant tree.

COO Smith reviewed subsection 9.30.020, which addressed permit requirements and exemptions. If a person wanted to remove a tree, they would need to submit an application to the City, which would include a fee set by the City Council. The application would require information about the tree's location and existing structure. Additionally, the applicant would need to provide a report from a certified arborist justifying the tree removal, including consideration of alternatives and plans for tree replacement if applicable. The City would allow tree removal based on factors such as the tree's health, disease, compromise, hazards to structures or utilities, or if it obstructs property improvements. There was a provision that allowed staff to consult with the City Forester for further clarification or questions regarding the tree's health. The final section of the Code addresses penalties, noting that unlike typical code enforcement using citations, there was no recourse if a tree was removed without a permit.

Councilor Ross clarified that the portion of the Code related to development would remain in place, and the proposed amendment would move the relevant language into the Municipal Code for appropriate enforcement. He noted there was discussion and concerns raised at the Urban Forestry Board (UFB) meeting, including considerations of property rights and the requirement to hire an arborist. However, there was agreement among the UFB that the 8-inch tree diameter requirement might need to be bigger, and they suggested considering a larger diameter. The UFB also raised concerns about the cost of permits and the burden of hiring an arborist. Councilor Ross noted there was disagreement within the UFB, with long-term members feeling uncomfortable with the proposed changes while newer members saw it as something the City should consider. Councilor Ross stressed the need to find a balance between minimizing costs for homeowners and ensuring the preservation of the tree canopy.

Councilor Cobb agreed with Councilor Ross that an 8-inch diameter requirement for significant trees was small. She was concerned about tree removal related to fire hazards, particularly when trees were densely clustered and close to forests. Councilor Cobb believed there should be consideration for such cases as valid reasons for tree removal. Additionally, she felt that the application process might be costly, considering the expense of hiring an arborist. Councilor Cobb suggested adding a preliminary step where a representative from the City assessed the tree to determine potential impacts on buildings or other factors. Councilor Cobb proposed that this initial evaluation should be free of charge.

Councilor Letz agreed that an 8-inch diameter requirement for significant trees might be small, especially for certain tree varieties that grow slower or are harder to cultivate in the area. She noted the complexity of the issue; on one hand, property owners may feel entitled to do what they wish on their property. On the other hand, there was a concern that an investor might purchase a property and indiscriminately cut down all the trees. Councilor Letz said there was a potential negative impact on the community if such situations were not regulated. She thought there was a need to strike a balance in the Code to address these concerns.

Councilor Letz was concerned about fire hazards and referenced the outdated Urban-Rural Interface Code, which was not aligned with current scientific knowledge and recommendations; she thought we should be prepared to write our own Code. Director Woodford replied staff recognized that it was a Council goal and we would not wait for the state to implement the Code. He noted that we might want to be more stringent than the state required.

Councilor Ross said there was a need to address wildfire issues and protect the community by determining which trees should be preserved. He wanted to highlight the importance of understanding the constraints and limitations that would be in place when implementing the code amendment.

Director Woodford said the code amendment presented an opportunity to make adjustments based on issues encountered during the administration of the previous process. They noted requests were received to remove healthy non-native trees and replace them with native species, and currently, the Code did not allow such replacements unless the tree was dead, diseased, or posed a threat. He proposed considering criteria for replacing trees with native species in certain situations.

Council President Blum said if she had trees like quaking aspens on her property, which were messy, that were over 8 inches, she would want to take them down and potentially plant something else, but it did not sound like she could under this Code. Council President Blum was willing to plant a designated replacement tree and suggested including language in the Code that specified a replacement for the removed tree. She would like to see a list of acceptable native species for such replacements.

Councilor Letz agreed it would be valuable to have a list of native species and those that were also not a fire hazard. She asked if anything in the existing Development Code needed to be updated during this process. Director Woodford replied not at this time, but we did need to make sure that with new developments, trees were not planted close to structures so they did not become fire hazards in the future.

Director Woodford reviewed that they would balance what they heard tonight and bring the changes to Council for review.

3. Other Business

A. Staff Comments

Public Works-Director Bertagna

- The slurry seal project was underway this week.

Finance - Director O'Neill

- The accounting system transitioned to a remote-hosted server this week.
- Staff and Councilor Ross reviewed the proposals for audit services; three proposals were submitted.

City Manager's Office - Recorder Prosser

- Sisters Parks and Recreation Department and the School District would be running programs in the parks this summer.
- Staff continued to work with Portland State, The Ford Family Foundation, and C4C on the Civic Leadership Project.
- The staff participated in a Red Cross CPR and first aid certification training.

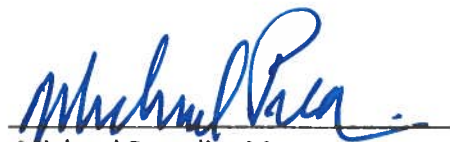
Community Development- Director Woodford

- Staff was preparing for the public hearing on the Space Age gas station proposal.
- The Planning Commission would consider some cleanup to the Development Code in upcoming text amendments.

The workshop was adjourned at 6:24 pm.



Kerry Prosser, City Recorder



Michael Preedin, Mayor