



URBAN FORESTRY BOARD **Agenda**

520 E. Cascade Avenue - PO Box 39 - Sisters, Or 97759 | ph.: (541) 549-6022 | www.ci.sisters.or.us

Monday, May 13, 2024 – 3:00 P.M.

The Urban Forestry Board (UFB) is accessible to the public in person in the City Council Chambers at 520 E. Cascade Avenue, Sisters, OR 97759 and via the following Zoom link:

<https://us02web.zoom.us/j/82561282010?pwd=bkMzTWdsZTFkTTZPUXRQeGhWVUhlZ09>

Passcode: 607305

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - A. April 8, 2024 – Regular Meeting
- 3. VISITOR COMMUNICATION** If speaking in-person, please use the Visitor Communication Sign-In form at the meeting. Written communication can be submitted for the record to jdumanch@ci.sisters.or.us. Written communication and requests to speak via Zoom must be received by 1:00 PM on the day of the meeting.
- 4. BOARD BUSINESS**
 - A. Discussion of proposed Sisters Development Code amendment regulating significant private tree removal on a developing lot.
- 5. OTHER BUSINESS** - Miscellaneous Issues or For the Board's Information (FYI only) and Specific to Trees in Public Rights-of-Way and Parks. City Forester's Use of Their Professional Authority/Discretion.
 - A. Arbor Day 2024 recap.
 - B. City Forester update.
- 6. BOARD MEMBER COMMENTS**
- 7. ADJOURN**

This agenda is also available via the Internet at www.ci.sisters.or.us. The meeting location is accessible to persons with disabilities. Requests for an interpreter for the hearing impaired or for other disability accommodations should be made at least 48 hours before the meeting by contacting Kerry Prosser, City Recorder at kprosser@ci.sisters.or.us Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the Council to consider or discuss additional subjects. This meeting is subject to cancellation without notice.

Urban Forestry Board (UFB)
Regular Meeting Minutes
Monday, April 8, 2024
DRAFT

Board Members Present:

Therese Kollerer, Vice Chair
Avery McChristian
Cheryl Pellerin

City Council Representative Present:

Gary Ross, Councilor

Staff Present:

Paul Bertagna, Director, Public Works
Dan Galecki, City Forester
Jackson Dumanch, Project Coordinator, Public Works

Absent:

Patrick Burke, Chair

1. Call to Order & Roll Call

Vice Chair Kollerer called the Monday, March 11, 2024, regular meeting to order at approximately 3:00 PM. Staff confirmed a quorum was present.

2. Approval of Minutes

Vice Chair Kollerer directed the Board to the March 11, 2024, draft meeting minutes. Board Member Pellerin noted two typos and directed the Board and staff to those spelling mistakes. Kollerer also noted a typo. Board Member McChristian made a motion to approve, Pellerin seconded. Motion passed unanimously.

3. Visitor Communications

Vice Chair Kollerer called for visitor communications. Project Coordinator Dumanch stated that there was no visitor communication.

4. Board Business

A. Review a draft Heritage Tree Nomination Form

Project Coordinator Dumanch presented a draft Heritage Tree Nomination Form to the Board and requested their feedback. Board Member Pellerin stated that the form looked good and suggested removing redundant private property owner signatures. Director Bertagna asked that Councilor Ross provide comments as well. Ross recommended that the form retain a space for the property owner's signature and requirement for written consent suggesting Council may wish to see such consent. Board Member McChristian noted language in the form relating to the topic of private trees. Ross stated that the City's legal team may have suggestions. Pellerin asked about a recording instrument and if that would need to be approved with legal. Ross and Bertagna

stated that the County would need to be consulted as well. Pellerin asked if the Heritage status would carry with the property or the owner. Dumanch stated that other cities use a legal document that gets recorded with the County and results in a deed restriction. Ross asked if that document was filed with the County. Bertagna stated that in order to show up on a title report and be visible to a third party it would need to be recorded at the County. Ross noted that it would need to be discussed which party would pay for the recording fees. McChristian supposed that there would be more to a private nomination than is outlined on the form. Bertagna replied that policy would direct any next steps. Ross acknowledged that private trees will be more complex to nominate than public trees offering an example regarding an easement on their property. Dumanch directed the Board to the last page of the draft form showing the stages of approval. McChristian asked if it would be relevant for a Tree Risk Assessment certified arborist to be involved with inspections. Bertagna recommended that the City Forester perform the inspection. Ross stated that as a Councilor they would like to know if the City Forester inspected a tree being nominated. Dumanch noted that the language McChristian was referencing was related to private tree removal or pruning. Vice Chair Kollerer asked if McChristian was referring to at the beginning of the process. McChristian stated that they were recommending a Tree Risk Assessment certified arborist inspect a private Heritage tree that needed pruning or removal. Dumanch stated that the language the Board was discussing was taken directly from the Sisters Municipal Code regarding Heritage Trees. McChristian asked if it was State code. Dumanch replied it was the City's code. Dumanch added that the language was used as they thought it was relevant for a private property owner to acknowledge prior to signing. Ross asked if there was a significant change, would it involve changing the code. Dumanch replied that it potentially could. Dumanch stated it would be ideal if a private property owner read the code prior to nominating a tree but was open to adding more language to the form if it was deemed necessary. Kollerer thanked staff for preparing the form and asked if it would be necessary to specify trees in city limits or urban growth boundary. Ross stated that it likely applies to city limits. Ross noted the mention of Chapter 4.05.050 several times may be redundant. Kollerer asked about citing the code and if a phrase should be added that allows for applicability of any future code. Ross acknowledged that that could be a good idea. Bertagna stated that it was important to get the private property portion correct because some of the biggest trees in the city are on private property. McChristian asked if there should be two different forms so that a public tree form wouldn't be stalled by refinement of a private tree form. Kollerer stated they would approve whichever option moved the quickest asking staff which would be best. Ross stated that having one form might simplify the process and suggested that the form could still be used for public trees while private nominations were pending further review. Kollerer asked if the form could go to City Council for review. Bertagna replied that if the Board approved the form with changes rather than review the edited form in a future meeting it could go to Council sooner. Pellerin asked if it would go to a Council Workshop first. Bertagna confirmed that to be the case. Ross added that it could be a simple process with Council. Bertagna estimated the form could be on an agenda in May. Ross stated that after a Workshop the process would move fast. Bertagna stated that it was important for Council to discuss the form in a Workshop first where questions can be asked and discussion can take place adding that Council would be considering any unintended consequences. McChristian recalled Susan Cobb's interest in testing the process with a tree on their property. Kollerer asked if there could be a sample instrument that would be used

for private trees. Bertagna stated that the instrument would depend on the County and what format they want. Dumanch asked for a recap of the last conversation. Kollerer provided a summary. Ross suggested that Dumanch add language directing applicants to provide additional sheets for the tree description if needed. Dumanch described how Lake Oswego processes their nominations, where they are pooled for review so that approved trees can be announced during Arbor Day. Pellerin asked if the City did that then a deadline should be shown on the form. McChristian stated that it could make the process more efficient. Kollerer asked when that deadline should be. McChristian stated that it could be an issue for someone not wanting to wait a year for approval. Ross suggested a check box if the applicant wants the tree announced on Arbor Day. Bertagna suggested simply announcing how many Heritage trees were approved in the prior year at an Arbor Day celebration and didn't recommend waiting. Pellerin asked why Lake Oswego waits on nominations. Dumanch stated it was to save time by having dedicated meetings for nominations. Pellerin stated that the process could be very simple after Board approval. Bertagna stated it could be part of a consent agenda. Ross described the process for consent agenda items. Pellerin asked if nominations would take up a considerable amount of the Council's time. Bertagna stated that they wouldn't once the policy was in place. Ross further emphasized that consent agenda items are technical business and expedited. Kollerer asked for further discussion. Bertagna replied that staff had a list of comments and suggested changes, adding that much of the remaining work involved legal inquiries. McChristian acknowledged that even if the process is slow that it was cool that Sisters would be the first city in the county to have a program. Bertagna and Ross voiced their hopes for the process going forward to be simple. Pellerin asked if a private tree would be treated similarly to a historical building or property. Ross stated that it potentially could but had reservations concerning the term "historical" and its connotations. Bertagna stated that the County's landmarks division was still active. Kollerer asked if a motion was required. Ross recommended the motion be to approve the form with recommended changes suggesting a "head-nod". Bertagna mirrored Ross's comment. Kollerer asked for a motion. McChristian made a motion to approve the draft heritage tree nomination form with recommended changes and be submitted to Council for review. Pellerin seconded the motion. Motion passed unanimously.

5. Other Business

Vice Chair Kollerer asked City Forester Galecki for any comments. Galecki stated that they could still review trees via email but had no new business for the Board.

6. Board Member Comments

Board Member McChristian asked if there was an update for the emergency removals at East Portal. Director Bertagna stated that two trees were previously approved for removal and the three were removed under an emergency removal. Bertagna stated that the Labyrinth community requested the stump be left. Galecki asked if there was sign of blue stain. Bertagna stated that they would have to check with the arborist that performed the removal. McChristian asked what happened to the wood. Bertagna stated that it was hauled away, adding that the size of the bole was too large to be processed as firewood safely. Kollerer asked if the City was compensated. Bertagna replied that it was reflected in the price, being charged less if the wood had value. Kollerer asked about if there was blue stain on the remaining stump. Galecki stated

that the blue stain would be circulating in a living tree and bugs would be in the cambium. Galecki suggested maybe removing the bark on the stump as the bugs like that part of the tree. Galecki repeated their desire to know the extent of the infestation. Pellerin asked if a bare top on a tree being sign of infestation. Galecki confirmed that to be the case. Pellerin asked if they should report any signs of concern. Galecki confirmed that they should if it was a new observation, but old observations of dead tops are a concern because of the potential for falling debris.

Kollerer asked if all dead tops on trees are the result of beetle infestation voicing concerns over private trees. Bertagna stated that private tree concerns should be directed to the City's Code Compliance Officer and provided an example. Kollerer mentioned the urgency with which the trees at East Portal, Bertagna replied that was because of the lack of recent activity on the site causing concern over the rapid infestation of old-growth trees. Bertagna asked Board members to notify staff of declining trees that they observe and noted declining trees on Hood Ave. Galecki commended the Board for learning new skills and terminology and noted that it shows.

McChristian asked if the East Portal site was being developed into a transportation hub, Bertagna confirmed, McChristian asked if the Board would review the plans. Bertagna stated that a revised design focused on tree preservation would be ready for Board review soon. McChristian asked which code governed an internal development. Bertagna stated that tree preservation could be a recommendation from the Board to the design team, adding that certain requirements must be met to allow the site to function. Ross stated that the last design they saw preserved more trees than the original design. Bertagna stated that the trees recently removed were to have been preserved and would not have been in conflict with the design. Kollerer asked if the design team was an outside consultant, Bertagna stated that the organization was Kittelson & Associates based in Bend. Kollerer asked when the first phase of construction would occur, Bertagna replied fall or winter of 2024. Ross stated that funding was in place for the first phase and the first phase focused on space for buses. Bertagna confirmed, adding that there would be a bus loop, short-term parking, and EV charging.

Pellerin asked if someone nominated a tree for Heritage status on public property would there be consideration for future planned projects. Dumanch replied that some other cities preform initial reviews with the city manager or public works department to make sure there would be no future or current conflicts.

Pellerin asked about slash removal for the roundabout project and recalled a comment by Galecki about slash and insect infestation noting that the large boles still remained when they last looked and asked if the insects favor smaller or larger slash. Galecki stated that the insects are attracted to damaged tree material or certain diameter and asked what still remained. Bertagna stated that the large logs remained but smaller slash had been removed. Bertagna stated that the City had little control over the project. Kollerer stated that the slash was removed soon after the previous Board meeting. Pellerin asked about the tree that the Oregon Department of Transportation (ODOT) was able to work around and how soon one would see signs of decline resulting from nearby construction. Galecki stated it could take a while maybe up tot a year or two, but added that he was optimistic considering initial efforts to preserve the tree. McChristian

supposed that the work was being done under State regulations and tree preservation standards. Bertagna replied that he was unsure if ODOT had tree codes relating to preservation. McChristian believed that more preservation work could be done. Ross stated that a lot of work by Bertagna went into getting a roundabout built there and acknowledged that it was an ODOT project. Pellerin asked if it could be nominated as a heritage tree. Bertagna stated that it would require ODOT approval as the tree is on their property.

Pellerin asked if there was an update on the City Forester request for proposals (RFP). Bertagna stated that proposals are due back April 16th. Pellerin acknowledged that the date was changed from the original. Bertagna stated that more work needed to be done researching how to get more awareness of the advertisement, adding that it had been posted on a State website and acknowledged that the right candidate may not be found during the first round. McChristian recalled that they had volunteered their time in the interview process and asked that they be kept informed on the timeline, Bertagna stated that they would see information by Wednesday, April 17th and Dumanch would coordinate a meeting. McChristian asked if the City had applied for any Inflation Reduction Act Urban and Community Forestry funding adding that Brittany Oxford with the Oregon Department of Forestry might help the City with an application. McChristian also informed the Board about a DLCD funding opportunity. Dumanch asked that Board Members send any information about funding opportunities to them. Bertagna stated Dumanch is frequently working on grant applications. McChristian described how the program receives federal dollars for a State funding opportunity. Dumanch asked for clarification on the name of the program. McChristian clarified. Ross stated that the City often does not get notified of some funding opportunities. Dumanch asked that even if deadlines have passed to be notified of opportunities for the future.

Bertagna updated the Board on the second phase of the Fuels Reduction project at the wastewater treatment plant, adding that work was nearing completion. Kollerer asked for clarification on location, Bertagna clarified and provided a brief background.

Pellerin stated that Arbor day was coming up and recalled Associate Planner Shoup speaking about there being 100 seedlings for planting and asked where those would be planted. Bertagna replied stating Creekside Park in the restoration area between the fence and the creek and that Upper Deschutes Watershed Council would determine where seedlings would be planted. Kollerer asked if there would be more trees, Bertagna stated they did not know. Ross stated hearing that there would be other species of seedlings in addition to the 100 ponderosa pines. Kollerer asked for more information on the restoration area. Bertagna replied from bridge to bridge on both sides of the creek, adding that there would be some seedlings that might not survive. Kollerer hoped that there would be some seedlings to give away to participants. Ross recalled during a City Parks Advisory Board meeting where Shoup had informed them about the possibility of there being extra seedlings for giving away. Pellerin asked if there were flyers released or any advertisement. Ross stated they saw something. Bertagna stated that staff would check with Communications Coordinator about advertisements. Dumanch thought that there was mention in the last City newsletter. Dumanch stated that they misspoke and the newsletter with that information would be released the following week.

Kollerer stated that they had asked Shoup if they wanted assistance but Shoup declined wishing to not attract too many attendees. Pellerin stated that around 20 students would be participating. Dumanch stated that the celebration would be larger than any the City has held in the past. Ross stated that could be why there is the desire to limit the size of the event.

Kollerer asked Galecki for any further information. Galecki stated they had none.

7. Adjourn

Vice Chair Kollerer adjourned the meeting at approximately 4:11 PM.

DRAFT



Meeting Date: May 13, 2024

Type: Urban Forestry Board

Subject: Proposed Sisters Development Code amendment regulating significant private tree removal on a developing lot.

Staff: J. Smith

Dept: CDD

Action Requested: Discussion of proposed amendments to the Sisters Development Code (SDC) specifically addressing the penalty for the unauthorized removal of Significant Trees located on developing property.

Summary Points: The proposed amendments to SDC will establish a new specific penalty for the unauthorized removal of significant trees on private property during development. SDC 3.2.500 outlines the requirements for removal of significant trees during development. Significant trees have a trunk diameter of eight inches or greater as measured 4.5 feet above the ground.

1. Existing code language:
 - a. Currently, any violation of 3.2.500 will result in a class C violation of \$500.00.
 - b. For reference, Significant tree removal on private property when not associated with a development is regulated under Sisters Municipal Code 9.30.030 and results in a fine of no less than \$500.00, but not to exceed \$2000.00.
 - c. The City Council has directed staff to re-evaluate the penalty for unauthorized removal of Significant Trees in light of recent unauthorized removals and the concern that the current penalty isn't an appropriate deterrent.

2. Proposed code amendment: In Exhibit A attached, staff proposes adding new enforcement language directly to Section 3.2.500 (as the proposed fines will be unique to this section of the Code) and sets forth three different penalties options for unauthorized tree removal during development for the Urban Forestry Board to consider in making its recommendations to City Council. Staff would like guidance on which option is the most appropriate.

Financial Impact:

While there will be an increased financial impact to those who violate the City code with an amendment, the proposed code change won't have a negative financial impact to the City.

Attachments:

- Exhibit A – Draft Ordinance with enforcement options.
- Exhibit B – Other municipalities tree removal penalties.

Exhibit A
Code Amendments

Added Language in double underline

Deleted language in ~~strikethrough~~

3.2.510 Enforcement

(1) The City shall have authority to issue a stop-work order, withhold approval of a final plat and/or withhold issuance of a certificate of occupancy, permit or inspection until the provisions of this section have been fully complied with.

(2) The owner of the property upon which tree removal takes place may be subject to enforcement and penalties pursuant to this section regardless of whether such owner personally conducts activities in violation of this section.

3.2.520 Penalties

(1) Any person(s), firm, company or property owner who violate any provision of chapter 3.2.500, shall be subject to a class C civil penalty, except the following:

Option 1:

- a. Each violation of 3.2.500(D) including, without limitation, each significant tree removed without approval, permit or in violation of 3.2.500(D) is a separate offense. Each offense is punishable by a civil penalty of no less than \$500.00, but not to exceed \$2,000.00.

Option 2:

- a. Removing significant trees with a trunk diameter between eight (8) inches and twenty (20) inches without approval, permit or in violation of 3.2.500(D) may be issued a civil penalty of \$2,000.00 per tree.

- b. Removing significant trees with a trunk diameter greater than twenty (20) inches without approval, permit or in violation of 3.2.500(D) may be issued a civil penalty of \$4,000 per tree.

Option 3:

- a. Each violation of 3.2.500(D) including, without limitation, each significant tree removed without approval, permit or in violation of 3.2.500(D) is a separate offense. Each offense is punishable by a civil penalty of \$300.00 per DBH.

Exhibit B
Examples of other municipalities' tree removal penalties.

Municipality	Penalty	Notes
Beaverton	\$250.00	Right of way trees
Oregon City	\$300.00	Right of way, non-residential, and heritage trees
Milwaukie	\$450.00 Per inch DBH	Private and development trees
Sherwood	\$500.00	Right of way trees
Grants Pass	Up to \$720.00	Right of way trees. Municipal court fee
Bend	\$750.00	Right of way trees (Currently working on development tree regulations)
Gresham	\$1000.00* or value of the tree	Private, right of way, and development trees
Medford	Up to \$1000.00	Right of way trees
Corvallis	Up to \$1000.00	Right of way, heritage, development, other specific trees
Portland	Up to \$1000.00	Private, right of way, heritage, and development trees
Troutdale	Not exceeding \$1000.00	Right of way, historic, and significant trees
Tualatin	Up to \$1000.00	Private and right of way trees
Salem	Up to \$2000.00	Private, right of way, and heritage trees
West Linn	\$225.00-\$2000.00	Private, right of way, heritage, and development trees. Municipal court fee
Happy Valley	\$2500.00 = 20inch+ DBH \$500.00 = less than 20inch DBH	Private, right of way, and development trees
Eugene	\$100.00 to \$4000.00 100 days or less jail confinement	Private, right of way, heritage, and development trees