



PLANNING COMMISSION Agenda

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

THURSDAY, AUGUST 15, 2024 – 4:00 P.M AGENDA

This Planning Commission meeting 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/84411769303>

- I. **CALL TO ORDER / DETERMINATION OF QUORUM / ADOPTION OF AGENDA**
- II. **VISITOR COMMUNICATION:** This is time provided for individuals wishing to address the Planning Commission regarding issues not already on the agenda.
- III. **WORKSHOP**
 - A. **Tree Removal Fines** – This Workshop will review a proposed amendment to the Sisters Development Code regulating the civil penalty for unauthorized tree removal of Significant Trees (see attached in Exhibit A).
 - B. **Wildfire Resiliency Update** – This Workshop will focus on ongoing wildfire resiliency efforts including updates on implementation of Senate Bills 762 and 80 and local opportunities. (see attached in Exhibit B).
- IV. **STAFF AND COMMISSIONER COMMENTS**
- V. **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



PLANNING COMMISSION

Staff Report

Meeting Date: August 15, 2024

Type: Workshop

Subject: Proposed Sisters Development Code amendment regulating the civil penalty for unauthorized tree removal of Significant Trees 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 penalty for the unauthorized removal of Significant Trees on private property during development. SDC Section 3.2.500 outlines the requirements for removal of Significant Trees during development. Significant Trees are defined in the SDC as having a trunk diameter of eight inches or greater as measured 4.5 feet above the ground at DBH (diameter at breast height).

1. The current Section 3.2.500 code language states:
 - a. Any violation of 3.2.500 is a Class C violation with a fine of \$500.
 - 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 when removed without City authorization but cannot exceed \$2000.
 - c. The City Council has directed staff to re-evaluate the penalty for unauthorized removal of Significant Trees in light of recent unauthorized tree removals on development sites and the concern that the current penalty isn't an appropriate deterrent.
2. Draft code language discussion with Urban Forestry Board.
 - a. Staff solicited feedback on the proposed amendments with the City's Urban Forestry Board (UFB) on May 13, 2024 and were presented with three different draft penalty options for violations:
 - i. Option 1: 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, but not to exceed \$2,000.
 - ii. 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 per tree. (B) Removing significant trees with a trunk diameter greater than twenty (20) inches without approval, permit or in



PLANNING COMMISSION

Staff Report

violation of 3.2.500(D) may be issued a civil penalty of \$4,000 per tree.

- iii. 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 per inch at DBH.
 - b. The UFB suggested using a Registered Consulting Arborist for specific appraisal of each tree removed, with the appraisal cost included in fines. The City Forester, Dan Galecki with Spindrift Forestry Consulting, supported penalties based on tree size, but cautioned about the potential of high fines that it could necessitate. The direction of the UFB was code language that based the penalty on the trees DBH with revisions to include appraisal language.
 - c. On July 8, 2024 staff brought back a revised version of the proposed code amendment to the UFB with a penalty based on DBH and a supplemental replacement fine based on the tree's replacement value. A motion to recommend the draft was made, seconded, and passed unanimously.
3. Proposed code amendment to the Planning Commission: In Attachment A, staff has included the revised language to Section 3.2.500 that the UFB unanimously approved (as the proposed fines will be unique to this section of the Code) and sets a penalty per diameter of removed tree with a supplemental replacement fine that could add the value of the tree as a penalty if the removed tree is not replaced. Staff requests feedback from the Planning Commission on the proposed language.

Next Steps: After the Planning Commission provides its comments, staff will review the changes with City Council in a workshop and then follow up with a public hearing for consideration of approval with both the Planning Commission and City Council.

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:

- Attachment A – Draft Ordinance.
- Attachment B – Urban Forestry Board Meeting minutes May 13, 2024
- Attachment C - Urban Forestry Board Meeting minutes July 8, 2024

Proposed Development Code Amendments for Tree Removal

Added Language in double underline

Deleted language in ~~strikethrough~~

3.2.500 Additional Penalties

...

F. Additional Penalties.

1. Base Fine. Notwithstanding anything in Chapter 1.4 to the contrary, a violation of 3.2.500(D) that results in the death or removal of a significant tree, will be subject to a fine of not less than \$300.00 per inch of diameter of the applicable significant tree as measured 4.5 feet above the ground with each wrongfully killed or removed significant tree constituting a separate violation subject to a separate fine.

2. Supplemental Replacement Fine. In addition to any other penalty, remedy, or cause of action available to city, if the injury, mutilation, or death of a significant tree is caused by a violation of 3.2.500(D), the city may require the responsible party to repair or replace the significant tree with a tree of equivalent size and species within 90 days after demand from city. If not timely and/or adequately repaired or replaced, whether because of infeasibility, non-compliance, or any other reason, the city may require the responsible party to pay an additional fine in the amount of the replacement value, which replacement value shall be determined by the city in accordance with the latest edition of Guide for Plant Appraisal, authored by the Council of Tree and Landscape Appraisers.

Urban Forestry Board (UFB)

Regular Meeting Minutes

Monday, May 13, 2024

Approved, 6/10/24

Board Members Present:

Therese Kollerer, Vice Chair

Avery McChristian

Cheryl Pellerin

City Council Representative Present:

Gary Ross, Councilor

Staff Present:

Dan Galecki, City Forester

Jackson Dumanch, Project Coordinator, Public Works

Scott Woodford, Director, Community Development

Jacob Smith, Code Compliance Officer, Community Development

Absent:

Patrick Burke, Chair

Paul Bertagna, Director, Public Works

1. Call to Order & Roll Call

Vice Chair Kollerer called the Monday, May 13, 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 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.** Discussion of proposed Sisters Development Code amendment regulating significant private tree removal on a developing lot.

Vice Chair Kollerer read the agenda into the agenda and called on staff to present. Code Compliance Office Smith introduced himself and offered a brief background on the agenda item including direction from City Council to update the code, on the existing code language, and on the reason for the update. Smith proceeded to describe the three options for penalties for violations and then asked if Director Woodford had anything to add. Woodford stated that this was being discussed due to the recent removal of a large tree in a development that was meant

to be preserved and the fine was viewed as insufficient to discourage violation. Kollerer thanked staff for the background and asked for discussion. Board Member Pellerin asked if the municipal code was the same penalty as option 1. Smith replied that option 1 matched the private tree removal penalty code language. Kollerer commented on prior changes to the code regarding private trees. Pellerin asked if diameter at breast height (DBH) could be determined after removal had occurred. Smith replied they could because trees are mapped prior to development. Kollerer asked if a homeowner could remove the tree in violation of the code prior to development to avoid higher fines. Smith replied they could. Kollerer and Councilor Ross commented on the tree that was removed in the Woodlands development. Board Member McChristian stated that attributes of the tree are important and suggested that Registered Consulting Arborists with a Tree Appraisal qualification could be consulted regarding determining the value of the tree and including the cost of appraisal in the fine. Woodford asked if only a stump remained could an appraisal still be made. McChristian stated that having a site plan would help and commented on damage to tree roots and if that should be considered. Project Coordinator Dumanch asked if City Forester Galecki had any comments. Staff noted that Galecki, who was attending virtually, was experiencing a poor connection. Galecki stated that they agreed with appraisal values and penalties based on tree size. Dumanch asked for clarification and Board Members provided the clarification. Galecki spoke again but could not be understood, Dumanch asked that Galecki's prior statement be sent to him in an email for communication to the Board. Pellerin asked if it was common for fines to differ between municipal and development code. Smith stated there is not typically much difference. Ross described a public tree removal that resulted in a fine that was reduced by a prior City Manager adding that the fine was not significant enough to discourage removal. Woodford added that there is not much overlap between the two codes regarding offences. Ross stated that developers compose tree preservation plans with the goal of using that plan to guide placement of structures, adding that the penalty is a deterrent. Kollerer asked if root damage was considered and if there were regulations about that. Woodford stated that there are requirements that developers remain outside of a tree's dripline, that special techniques can be used for tree preservation and read aloud the applicable code language. Ross asked if a remodel on an existing structure be reviewed by the City, Woodford confirmed that the City would review the permit in such a scenario. Kollerer asked which Director had jurisdiction, Woodford replied that he would. Dumanch informed the Board that he had received the email from Galecki and read the email aloud:

“For tree assessment a method of using diameter is a good method. Big trees with big stature should have large penalty. The appraisal method is good also, but could bring fines to tens of thousands of dollars. You be prepared for push back.”

Pellerin suggested additional language to the proposed code regarding property owner at the time of violation. Smith stated that may not be a helpful change. Ross stated that such a situation may not be addressed by this code. Smith stated they have never encountered such a situation but would consult legal. Woodford asked Smith if this was typical code language. Smith replied that it depends. Ross asked about enforcement in the municipal code. Smith stated that the proposed code would be development not municipal code. McChristian asked if there was policy to encourage preservation during development and preservation plan accuracy. Woodford stated there was policy for that and described it. Ross asked who made the decision to preserve or remove a tree. Woodford stated that staff did and described the review process. Ross asked

who prepared the preservation plan, Woodford replied that the developer does and sometimes the City Forester gets involved. Pellerin asked how big the tree removed in Woodlands was, Kollerer stated about 42 inches. Kollerer asked about tree conditions and if that was considered regarding preservation. Smith replied that in the case of Woodlands the tree was already marked for preservation. Ross commented on option 3, the significant penalty and how that may give a developer pause and encourage them to communicate with the City. Woodford agreed with Ross and expanded upon their statement. Ross stated they believed all tree removal should require a permit with or without a fee for the removal company. Woodford stated that the City has been trying to educate the public about the free private tree removal permit. McChristian stated that older and larger trees are often not the best candidates for preservation due to the safe working distance for a larger root system. Kollerer commented on previous discussions with McChristian about older trees and how they require more effort to preserve than younger trees. Kollerer recalled a tree on ODOT property near Creekside Park that appears to be declining, Ross mentioned that pavement was added closer to the tree and suggested that could be the cause. Ross asked that the Board recommend one or two options for staff or simply remove one option. Pellerin agreed that an option could be removed and suggested option one be removed. Pellerin made motion to remove option one. McChristian seconded. The motion passed unanimously.

Kollerer stated that option 2 was a significant deterrent and preferred option 3. Kollerer asked if heritage trees should be considered in this code language. Ross stated that Council will likely view them as separate issues for consideration and suggested the two not be considered together. Woodford read aloud the municipal code language regarding tree removal penalties. Ross stated that a penalty should give someone pause before they act as opposed to generating fees for the City, restating the fee is a deterrent. Pellerin asked if the Board could recommend different penalties and how Smith arrived at the penalties being presented. Smith stated that option one matched the current private tree removal penalty, option 2 started at the maximum amount from option 1, and option 3 having a lower range within the range of existing penalties. McChristian asked if the DBH fee was only considered after a certain DBH adding that the penalty under option 3 for a 10-inch DBH tree was maybe too high. Ross recommended the Board choose whichever option they are comfortable with. Kollerer suggested the penalty be simple to understand and liked Ross' suggestion that a replacement tree be planted. Woodford stated that there may have been a valid reason for the tree being removed and recommended any requirement for replacement consider location. Pellerin asked about the development codes requirement of a 3-1 replacement ration would be considered. Woodford clarified before leaving for another meeting. Kollerer asked if Galecki had any comments. Galecki stated that they shared a document with Dumanch regarding assessing a tree's value and penalty. McChristian stated that tree appraisal is designed for this reason. Ross asked if the Board would wish to see the document that Galecki shared. Pellerin asked if McChristian was interested in a 4th option. McChristian suggested that the max fine could be the appraised value of the tree. Smith asked if the appraisal could be performed after the tree had been removed. McChristian replied it could to some extent. McChristian stated that the value considers more than just the size and health of the tree. Smith voiced concerns over effective enforcement of appraised values for a tree that had already been removed. McChristian recommended a registered Consulting Arborist be consulted with qualifications in tree appraisal. Ross suggested option 3 include language regarding the value of the tree. Kollerer asked if language could be added regarding a minimum

penalty. Ross asked if the Board preferred option 3 with changes then Smith could return at the next meeting with revisions for review. Dumanch asked if the Board preferred option 3 with revisions. Pellerin asked if there could be a range in which DBH was not considered to keep fines reasonable for smaller trees. Ross recommended simplicity. McChristian restated their preference for an appraised value before reminding himself this code was regarding trees a developer would have already designated for preservation. Ross restated that the penalty was a deterrent to encourage communication with the City before action is taken. McChristian stated that some cities have a tree bonded during development. Pellerin asked if the Board felt comfortable selecting an option. Kollerer stated that revisions should be made with language about appraisals and who pays for the appraisal. Smith stated that the City would pay for an appraisal and pass the cost along to the offender in the penalty. Ross stated that it was wise to consult the City's attorney regarding the suggested changes. Dumanch asked that the discussion not be drawn out because of another meeting scheduled in that room. Kollerer asked if a motion was required. Dumanch stated that a consensus from the Board is what would be needed. McChristian preferred option 3 with additions for appraisals, Kollerer and Pellerin also preferred that.

5. Other Business

Vice Chair Kollerer called on City Forester Galecki for updates. Galecki updated the Board on a leaning tree with some other issues but believes the tree to be sound. Galecki then described a declining tree at East Portal with a dead top but stated that their determination will depend on future plans for the area. Dan recommended the Board be well informed on the signs of insect infestation. Dumanch stated that the tree at East Portal was difficult to photograph well due to nearby trees but could send them more images. Dumanch added that Pellerin had brought this tree to Dumanch's attention after the agenda had been published. Kollerer and Pellerin asked about the first tree Galecki had mentioned. Dumanch stated that a report was not included in the packet for that tree. Ross asked if this tree was discussed in the last meeting. Kollerer asked about the location of the tree. Dumanch asked if Galecki was referring to a tree on Songbird St. Galecki confirmed, stating that he had sent the report in an email. Dumanch stated that he will look for the report and offered some background on the tree and would include the report for the next meeting. Galecki stated that the tree was healthy and had no immediate concerns. Kollerer asked if Galecki had further concerns about trees, he did not.

Kollerer asked about updates regarding a new City Forester. Dumanch stated that no decision had been made. Kollerer asked if interviews were taking place, Dumanch replied not at the moment. Kollerer asked if Galecki would remain with the City until a candidate was selected, Galecki confirmed he would. Dumanch restated Director Bertagna's comments in the previous meeting that the City would be looking for the best candidate.

Kollerer asked if Galecki needed to remain for the Arbor Day recap. Dumanch told Galecki that they are welcome to stick around but understood if they would rather leave the meeting at this point. Galecki stated that they would stick around. Kollerer gave a description of the event. Pellerin stated that it was nice to get children excited about trees. Dumanch stated that in prior years the trees had been more mature. Ross added that this event was more hands on for the

children. Pellerin liked that children could take a seedling home. Dumanch stated that around 100 seedlings were planted. Ross stated that someone with Upper Deschutes Watershed Council (UDWC) was unloading native shrubs for planting in the riparian zone as well with help from students in Bend. Kollerer stated that Kolleen Miller with UDWC led the event and directed the planting of seedlings. Kollerer mentioned that Project Ponderosa provided the ponderosa seedlings for the event with dogwood and aspens purchased by the City. Kollerer stated that they had been working with Associate Planner Shoup on the event on getting adults involved but that it didn't come to fruition this year recalling that there are funding opportunities for educational resources. McChristian recalled an educational event in Redmond using grant funding from Oregon Community Trees. Dumanch mentioned that he and Shoup had identified funding opportunities for community engagement. Ross stated that some may forget that there are not many City staff and that they do a lot. Ross reinforced Dumanch's and Bertagna's comment about finding the right candidate recalling the process for a new city manager requiring two rounds of candidates. Dumanch stated that it was an important decision granted how important the topic of urban forestry was to the community. McChristian asked what the timeline was for preparing for Arbor Day. Kollerer replied June. Ross suggested any work with staff be done in advance considering their busy schedules. Kollerer offered thanks to Shoup and Dumanch. Kollerer recalled Sue Stafford mentioning how the event had grown compared to prior years. Ross stated that planting trees could help children feel more engaged in the future.

6. Board Member Comments

Kollerer asked Dumanch if they knew when Heritage trees would be going to a Council workshop. Dumanch replied the last meeting of June. Ross reinforced their previous statements about the workshop format being well suited for discussion on the topic. Dumanch stated that a revised form and a draft recording document were ready. Kollerer asked if the Board should review the revised form. Dumanch stated that revisions were minor. Ross stated that further review by the Board may delay Council review.

7. Adjourn

Vice Chair Kollerer adjourned the meeting at approximately 4:43 PM.

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

Board Members Present:

Patrick Burke, Chair
Therese Kollerer, Vice Chair
Avery McChristian
Cheryl Pellerin

Staff Present:

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

Guests:

Jacob Smith, Code Enforcement Officer, Community Development Department

Absent:

Gary Ross, Councilor

1. Call to Order & Roll Call

Burke called the Monday, July 8, 2024, regular meeting to order at approximately 3:01 PM. Staff confirmed a quorum was present.

2. Approval of Minutes

Burke directed the Board to the June 10, 2024, draft meeting minutes. Kollerer noted several typos for correction. McChristian made a motion to approve the minutes. Kollerer seconded. Motion passed unanimously.

3. Visitor Communications

Burke called for visitor communications. Project Coordinator Dumanch stated that there was no visitor communication.

4. Board Business

A. Discussion of proposed Sisters Development Code amendment regulating significant private tree removal on a developing lot.

Burke read the agenda item into the record. Smith introduced themselves and provided a brief overview of the topic and the previous discussion with the Board before asking for input from the Board on the current draft. Kollerer asked for clarification on the fines and how they would be calculated. Smith provided clarification, noting comments from the City Attorney on not doubling up of fines to avoid litigation. Smith stated that their first choice would be to recommend the higher of the two fines, either the base fine or the value of the tree, adding that

a violation would have to be particularly egregious for both fines to be applied. Burke asked how staff are made aware of unauthorized removals. Smith summarized how a developer works with the City to decide which trees remain and are removed. Burke ask if the term “developer” referred to both residential and commercial. Smith confirmed that to be the case. McChristian asked if a developer decided that preservation is not feasible was there a way for them to work with the City. Smith replied that the developer could work with City planners to modify the plan if needed. Bertagna stated that sometimes developers listen to staff and sometimes they don't. Pellerin asked if the added fine could be used if a developer did not follow an agree upon plan. Pellerin added that the additional fine could make someone reconsider cutting down a tree. Pellerin spoke about prior scenarios where the additional fee could have made developers reconsider tree removals and stated they liked what they saw in the draft. Burke asked Bertagna about a past instance where trees were removed without permission in the right of way. Bertagna stated that they believed the original fine was 20 but settled for a few thousand. Burke followed up that the individual was told not to remove the trees but did so anyway and expressed reservations over the fines and how they will be enforced. Smith replied that the fine is associated with the land, where leans could be used, and could hold up permits adding that such things can encourage violators to pay the fine. Bertagna stated that how fines have been levied and amounts decided upon have not been consistent in the past adding that the City Manager ultimately makes the decision, noting a previous scenario where the fine was initially over \$30,000 and then reduced to about \$15,000. Burke stated they were good with the draft language as long as there was a process for mediation. Smith noted there was a civil penalty process with a hearings officer for appealing a decision. Kollerer stated that they too were good with the draft and recalled Pellerin's comment regarding the situation with Woodlands and provided some clarification. Pellerin asked about projects like East Portal and the roundabout and if they fell under development code. Bertagna stated that they are public property jobs and the City has jurisdiction on some like East Portal but not for projects such as the roundabout. McChristian thanked Smith for their work on the draft. Burke asked if a motion would be required. Smith stated they did not need a motion. Bertagna recommended that a motion be made. Kollerer made a motion to recommend the draft language be approved. Pellerin seconded. Motion passed unanimously.

B. Recommendation to remove declining Aspen at 709 S Birch St.

Burke read the agenda item into the record and called on Galecki to present. Galecki summarized their report. Galecki stressed that aspens are not desirable and recommended removal. Burke asked for discussion from the Board. Pellerin made a motion to approve removal. Kollerer seconded. Motion passed unanimously.

C. Recommendation to remove dead Ponderosa Pine at 385 E Jefferson Ave.

Burke read the agenda item into the record and called on Galecki to present. Galecki stated that their recommendation was to remove the tree. Burke stated that they observed the tree and noted that it was dead. Burke asked about insect infestation spreading. Galecki stated that there should not be a concern at this time of year but that debris should be removed as soon as possible. Kollerer made a motion to approve removal. McChristian seconded. Motion passed unanimously.

5. Other Business

- A. Bertagna stated that there were two trees, a 10-inch birch in Pine Meadow Village that was completely dead and was approved for emergency removal due to high winds, and a large pine tree at 68980 N Pine St that is dead. Bertagna stated the pine tree directly on top of the property pin resulting in multiple ownership, City, County, Forest Service, and private. Bertagna asked if the Board would approve staff to work with the other parties to remove the dead tree. Burke asked for clarification on location. Bertagna clarified. Galecki stated that they agree the tree should be removed. Kollerer asked if the City would perform the removal, Bertagna agreed stating concern over safety and insect infestation. Bertagna asked for Board consent, all Board members agreed.
- B. Kollerer asked if there would be trees in the new roundabout center. Bertagna stated that would be decided during the public art process. Bertagna noted that there is conduit in place for irrigation and was certain there would be some form of landscaping in the center in the future. Kollerer asked when the public would know if that discussion was taking place. Bertagna stated that Kerry was working on the public art process with an advisory committee and summarized the process for the art and landscaping.
- C. McChristian asked if backfill could be removed from around the base of the large ponderosa that Oregon Department of Transportation (ODOT) agreed to preserve. Bertagna stated that they could ask ODOT to remove that backfill on behalf of the Board. McChristian noted that if the original grade was maintained it could help prevent smothering the roots. Kollerer asked if there were plans to provide irrigation to that tree. Bertagna stated that there will be.

6. Board Member Comments

- A. McChristian stated that there was an opportunity to participate in the Oregon Regional Tree List from Oregon Department of Forestry (ODF) regarding particular trees that perform well on the east side of the Cascades or in Sisters to be recommended for the list. Burke stated that it could be added to the agenda for the next meeting.
- B. Pellerin asked Galecki if they knew what the average death rate should be for trees and if Sisters was in the norm. Galecki stated that Sisters was too small to have an observable trend but believed that rates appeared to be higher than in past years. Galecki added that drought, stress, insect, and pollution contribute to tree decline, noting a trend in the past 10-15 years for declining forest health in the region. Pellerin stated that they informed Dumanch about a declining tree on Creekside Drive. Dumanch stated that the tree was observed by Galecki in January of last year as being marked for observation and was located at 1177 E Creekside Drive. Pellerin asked if the Board would see another report for the tree and if such trees are monitored for decline. Burke replied yes to both questions. Galecki stated that shared images help in monitoring. Dumanch asked how much of the tree appeared to be dying, Pellerin responded approximately 70 percent brown. Dumanch stated

that they would be sending Galecki more recent images. Burke asked that this tree be added to the agenda for the next meeting under Board Business.

- C. Kollerer asked when Heritage Trees would be discussed by City Council, Dumanch replied the last Council meeting of August on the 28th. Kollerer shared information on when the meeting will start. Burke stated that they will not be able to attend that meeting.
- D. Burke stated that they have been communicating with the Fire District on a memorial tree for Dave Moyer and hopes to have an update after their vacation.

7. Adjourn

Burke adjourned the meeting at approximately 3:41 PM. The Board will reconvene Monday August 12th.



PLANNING COMMISSION

Staff Report

Meeting Date: August 15, 2024

Type: Workshop

Subject: Wildfire Resiliency Update – Implementation Senate Bills 762 and 80 and Other Local Opportunities

Staff: Martin

Dept: Community Development

Action Requested: Workshop to discuss ongoing wildfire resiliency efforts including updates on implementation of Senate Bills 762 and 80 and local opportunities.

Summary Points:

For the 2024-25 fiscal year, the City Council (Council) adopted several goals to accomplish in the coming year. One of those goals is to “Update defensible space and structural hardening requirements through the Development Code.” The Council identified this as a priority to address the risks and mitigate the impacts of wildfire in the city limits of Sisters. This has been an ongoing effort that is commensurate with and in addition to the statewide efforts to improve wildfire preparedness in Oregon as prescribed by the Oregon State Legislature with the adoption of Senate Bill (SB) 762 in 2021 and as updated by SB 80 in 2023.

Staff conducted workshops with the Council on November 29, 2023¹ and the Planning Commission (Commission) on January 4, 2024² to provide an introduction and overview of defensible space and building hardening as wildfire mitigation measures and receive direction on next steps. Since these workshops, more information has been made available regarding the opportunities and limitations for adopting local standards in conjunction with statewide requirements under SB 762 and SB 80 and updated timelines. The purpose of this workshop is to provide an update on the implementation of SB 762 and SB 80 and additional local options regarding:

- Draft Statewide Wildfire Hazard Map
- Building Hardening (ORSC – Oregon Residential Specialty Code - Section R327)
- Defensible Space

On August 14, 2024, staff will meet with the Council for a workshop to discuss the same topic and receive input and direction from the Council. At the meeting on August 15, staff will provide the Commission with a summary of the Council’s workshop and any additional information discussed.

¹ 11/29/23 City Council Workshop: <https://www.ci.sisters.or.us/bc-citycouncil/page/city-council-workshop-regular-meeting-0>

² 1/4/24 Planning Commission Workshop: <https://www.ci.sisters.or.us/bc-pc/page/planning-commission-72>

DRAFT STATEWIDE WILDFIRE HAZARD MAP

Under SB 762 and SB 80, Oregon Department of Forestry (ODF) and Oregon State University were tasked with developing a statewide wildfire hazard map that identifies the hazard level based on weather, climate, topography and vegetation. As stated by ODF, the wildfire hazard map's purposes are to:

- Educate Oregon residents and property owners about the level of hazard where they live.
- Assist in prioritizing fire adaptation and mitigation resources for the most vulnerable locations.
- Identify where defensible space standards and home hardening codes will apply.

The initial statewide wildfire risk map was made available on June 30, 2022. However, based on input from citizens and interest groups throughout the state that cited significant concern, the ODF withdrew the initial map to provide more time for additional public outreach and refinement of hazard classification methodologies.

On July 18, 2024, new draft statewide wildfire hazard and wildland-urban interface (WUI) maps were released. The maps can be viewed online on the Oregon Explorer³. Primary changes from the original maps include:

- The new maps categorize properties according to three hazard classes – low, moderate or high – rather than the five risk classes originally.
- Adjusted the way hazard is calculated in hay and pasturelands, which often won't burn because they're either irrigated or grazed.
- Hazard calculations on irrigated croplands were modified to account for irrigation reducing the likelihood and intensity of wildfires in these areas.

As shown in Figure 1, the City of Sisters is mapped with low (green), moderate (purple), and high (orange) hazard classifications. In addition, nearly the entire city limits is mapped within the WUI, shown with a darker shaded outline of the color of the corresponding hazard classification. The mapping shows classifications that vary from areas of the community and in some instances differ from lot to lot.

³ Draft Statewide Wildfire Hazard Map: <https://oregon-explorer.apps.geocortex.com/webviewer/?app=665fe61be984472da6906d7ebc9a190d>

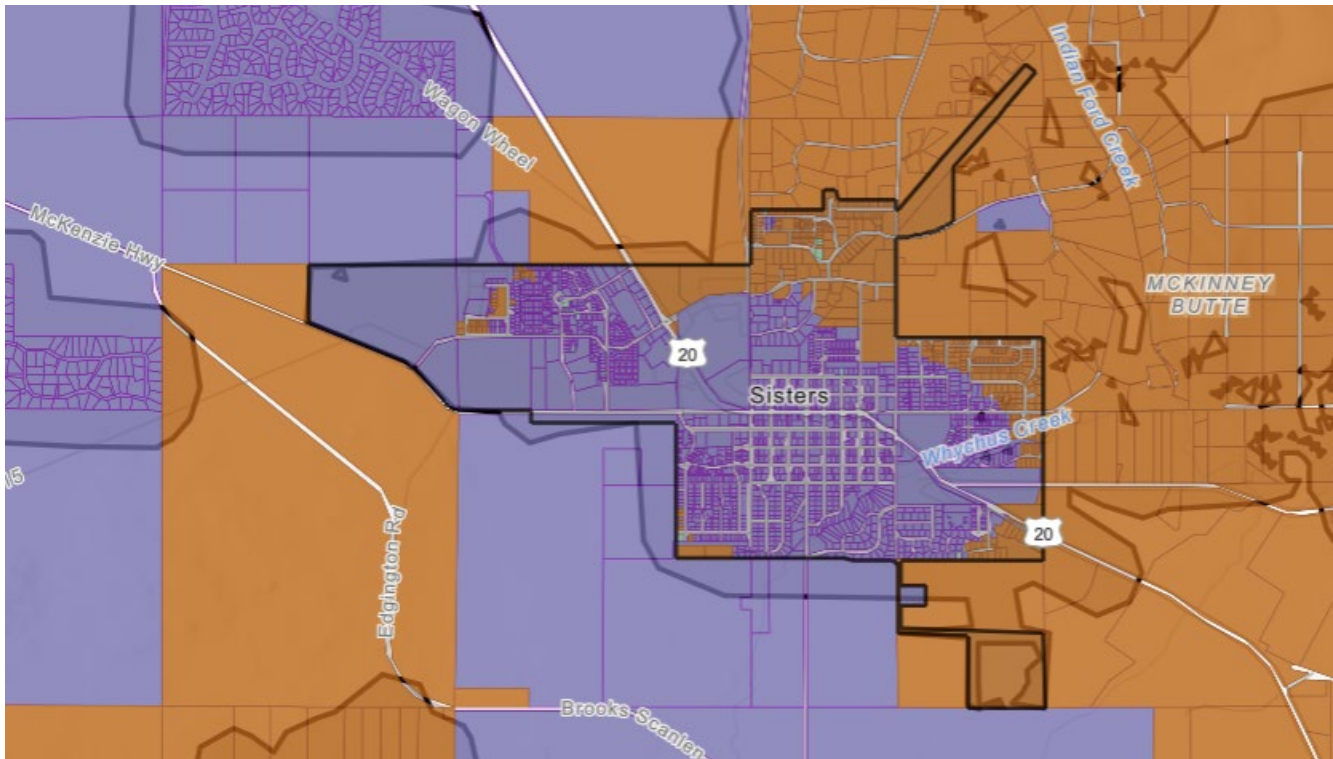


Figure 1. Draft Statewide Wildfire Hazard Map of Sisters (Source: Oregon Explorer)

ODF will be accepting public comment on the draft map through Aug. 18. When the comment period is complete, ODF and OSU will evaluate all public comments to see whether changes to the maps are warranted. Adoption of the map is scheduled for October 1, 2024. Staff requested direction from the Council on whether the city should participate and comment during this period.

BUILDING HARDENING

Structural hardening (aka – building hardening, fire hardening) are steps that can be taken to make a building more resistant to damage from a wildfire. This includes using materials for siding and/or roofing that resist ignition during a wildfire, installing fire resistant windows to protect openings, or using attic ventilation devices that help reduce ember intrusion.

Under SB 762 and SB 80, the State Building Codes Division (BCD) is responsible for adopting fire hardening building code standards under Oregon Residential Specialty Code (ORSC) Section R327⁴ for new residential development and significant home updates in high wildfire hazard areas in the WUI. The updated R327 code would require dwellings and their accessory structures in the city limits of Sisters to incorporate certain types of materials and requirements for roofing, ventilation, exterior wall coverings, overhanging projections, decking surfaces, and glazing in windows/skylights and doors. The code also outlines a process for local implementation of these building code standards independent of state adoption of the wildfire hazard map and/or applicability to high hazard zones identified on said map.

⁴ ORSC R327: <https://www.oregon.gov/bcd/codes-stand/pages/wildfire-hazard-mitigation.aspx>

The Council previously directed staff to pursue the option of local adoption of ORSC Section R327 and have it applicable to the entirety of the city because, at that time, there was no timeline for adoption of the statewide wildfire hazard map and the outcome of the mapping was unknown. As previously noted, the adoption of the map is scheduled for October 1, 2024. Further, it is now understood that once the statewide wildfire hazard map is implemented, it will supersede any map adopted with local adoption of ORSC Section R327. This means any areas of the city not mapped high hazard and WUI on the statewide wildfire hazard map would no longer be subject to Section R327. This differs from the defensible space standards discussed below.

If local adoption of ORSC Section R327 is pursued, such an amendment would be made to the municipal code instead of the development code as is consistent with local building code standards prohibiting treated and untreated wood shingles and shake roofs under Sisters Municipal Code (SMC) 8.35. It is important to consider the timeline for processing an amendment to municipal code. A public hearing before the City Council is required including a notice period not less than seven (7) days before the hearing and 30 days effective date after adoption by the Council or on a later day as the ordinance prescribes unless adopted to meet an emergency. Given that the statewide wildfire hazard map is scheduled for adoption on October 1, 2024, staff is uncertain of the value and effect of completing the local adoption process. The standards would only apply to the limited number of building permits submitted between the effective date of the local ordinance and implementation of the hazard map which raises concern with equity and impacts on customer service. Staff requested direction from the Council on whether the city should pursue local adoption of ORSC Section R327.

DEFENSIBLE SPACE

Defensible space is the buffer created between buildings and the vegetated landscape that surrounds them that reduces the likelihood of embers or flames igniting the structure. Examples of managing this defensible space include limbing and spacing trees, use of fire-resistant plants, removing vegetative byproducts such as needles and leaves, and keeping other combustibles separated from the buildings.

Under SB 762 and SB 80, the Oregon State Fire Marshal (OSFM) is responsible for developing a defensible space code applied to properties in the high hazard class within the WUI. Draft rules have been developed but not yet adopted. The defensible space rules will be adopted following the launch of the hazard map.

Unlike the limitations on the application of ORSC Section R327 previously discussed, the City has the option of adopting the OSFM defensible space standard for the entire city and applying additional standards. The Council previously directed staff to evaluate the draft OSFM defensible space standards and those of other communities to identify strategies and techniques of defensible space best practices to determine those appropriate for the City of Sisters given the unique location, setting, and needs of the community. This project is tentatively scheduled to be initiated with the Planning Commission in Fall 2024 and completed Winter 2025.

Financial Impact: None at this time.

Attachments: None.