

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.