

TREE CUTTING:
Contact City before doing any cutting

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did not hold a current City business license at the time the tree was cut down and faces a \$100 fine for that infraction.

The healthy tree was deemed to contribute to the city landscape by providing shade control, positive effect on property values, and general aesthetics. A formula, developed by the Council of Tree and Landscape Appraisers (CTLA) that derives an appraised value from a loss of or damage to a tree, was used to determine a dollar amount for restitution. The formula includes the basic minimum replacement cost, the cross-sectional area, the species of the tree, as well as the tree's condition and location. The formula used by the City Forester, Dan Galecki, indicated that the total value of the tree came to \$26,865.

Section 8.15.180(2) of the Sisters Municipal Code prohibits trimming or cutting trees in the right-of-way without first obtaining the City's permission. Violation of that code makes a person subject to a fine not to exceed \$500 per violation. On top of the fine is the actual value of the removed tree determined by the above formula.

The part of the law the City is not enforcing in this case is the Oregon Revised Statute (ORS) 108.810, which states that any person who unlawfully removes trees from the property of another, which includes trees within public right-of-way, is liable to the tree owner for three times the value of the removed tree. According to that same statute, a timber trespasser may also be liable for investigation costs, court costs, attorney fees, and reforestation expenses.

Upon receipt of the demand letter, the homeowner contacted the City, admitted he was in the wrong, wanted to make things right with the City, and avoid legal costs. He and City Manager Cory Misley had several meetings and reached what was determined to be an equitable compromise. Misley tried repeatedly to reach Cascade Tree Works and has only been able to have a brief conversation.

Cascade Tree Works

stated that if the City demanded the full \$26,865 amount, they would involve their lawyers and that was the last word from them. At this time, it is not known if the homeowner has worked out any kind of agreement with the tree service.

The City and the homeowner reached a settlement agreement stating that the property owner will pay the City \$13,431.50 in two equal payments of \$6,716.50 each, one payable now and the other no later than November 30, 2020. City Council approved the settlement agreement at last week's meeting.

There are well over a thousand trees in the City that are in the public right-of-way and inventoried by the City Forester, noting their location, size, species, and health. There are thousands more on private property, many of them significant trees (based on size and age).

At last week's Council meeting, Mayor Chuck Ryan

expressed his frustration over the loss of another big ponderosa.

"I don't want this (the unpermitted cutting of a tree) to happen again," he stated.

Over the winter, Misley said the City will look at revising/tightening the City code pertaining to trees. Councilor Andrea Blum suggested requiring citizens to obtain a tree cutting permit and a list of City-licensed arborists. When site plans are submitted for approval, the builder must submit a map indicating which trees they plan to remove. That site is subject to inspection by City staff or the City Forester to see if those slated for removal really need to be removed and those remaining are being protected from damage.

The unlawful cutting of significant trees is not a new phenomenon in Sisters, but the City is intent from here on out on enforcing the code and fining violators.

The word from City Hall is abundantly clear.

According to Misley, if a citizen or builder wishes to cut down *any* tree, for *any* reason, whether on private or public land, the first thing to do is contact Nicole Mardell, senior planner, to notify her of their desire for tree removal and ask permission in writing or email. Depending on the situation, they may be granted immediate permission. In other situations, a representative from the City may come out to visually assess the situation. In some cases, permission or denial may be required from the Urban Forestry Board.

With steady growth in population and increased building in the City, plus disease, drought, and age claiming a number of the ponderosas, more trees in town are facing necessary removal. Sisters takes pride in its urban forest and has received the designation of Tree City USA for 10 years. The trees in town, particularly the towering ponderosas, are considered an integral part of the ambiance of Sisters.

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