



City of Oregon City

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Staff Report

File Number: 19-584

Agenda Date: 10/16/2019

Status: Agenda Ready

To: City Commission

Agenda #: 7b.

From: City Manager Tony Konkol

File Type: Report

SUBJECT:

Review and Findings of the Walnut Tree Removal at the Oregon City Pool Property

RECOMMENDED ACTION (Motion):

No action requested at this time.

BACKGROUND:

It is imperative, as City Manager, that while providing a safe community for our citizens, how we as a City make decisions must also meet the expectations of the City Commission and Community for which we serve. I also need to be responsive when the goals and expectations of the Commission, the Community and the City Manager are not met. In this instance, it is clear that the decision to remove the healthy walnut tree from the pool property did not meet these expectations and has created a perception that the City does not follow its own standards and erodes the trust in the decisions being made by the City with the City Commission and the Community. It is also important to note that staff did not violate the Oregon City Municipal Code as it relates to the decision to remove the tree.

A review of the decision-making process leading to the removal of the tree and the failure to obtain a tree removal permit in a timely matter demonstrates that the City failed to diligently consider the alternative options identified in the walnut tree arborist report and communicate effectively. This was due to several factors, including funding concerns, internal communication, past experience with tree failures, long-term maintenance impacts and the opinion that the proposed alternatives were ineffective as a permanent repair.

It is also apparent that staff was trying to respond expeditiously to a tripping accident at the pool, one of the most visited facilities in the City of Oregon City, in an effort to address the broken sidewalk, avoid future accidents and responsibly expend the limited funds available. The Oregon City Municipal Code does not prohibit the removal of a tree from public land and specifically allows for the removal of a tree to ensure public safety or to protect public infrastructure. In addition, the permit to remove the tree, which is a land use decision, is an over the counter permit utilized to determine the number of mitigation trees required to be planted and is not an approval or denial of the ability to remove a tree.

The decision to remove the walnut tree was a judgement call. It was also made without enough consideration of community perception, a thorough analysis of an alternative approach or

sufficient documentation to make a well-informed decision that would address the recommendations of the arborist report, concerns of the public and justify the removal of the tree. Staff failed to comprehend the impact that the removal of the walnut tree would have on the Community and did not meet the expectations of the City Commission or City Manager.

How the City moves forward with the lessons learned from this experience is also important. I will be directing staff to work with the Oregon City Natural Resources Committee to prepare code amendments and/or policy that address the removal of trees on public property. The proposed code amendments and/or policy would address:

Process Improvements

- Utilizing the existing Heritage Tree type and size requirements, or other type and size requirements as determined through the review process, as a trigger for further analysis of alternative methods to retain healthy trees.
- Determining a public notification for the removal of trees on public property that meet the new requirements for further analysis.
- Determining an internal approval process for the removal of trees on public property that meet the new requirements for further analysis.
- Review the Public Works sidewalk standards to determine which alternative construction types and sidewalk re-routing would be acceptable.
- Staff in the Community Services Department, Public Works Department and Community Development Department have been updated on the current code requirements for tree removal and the land use application forms have been updated to reflect current code.
- Representatives from each department will be involved in the code amendment and/or policy creation and staff will be updated to the new procedures and policies once implemented.

Staff Training

- Management staff in the Community Services Department will be working with a leadership and organizational consultant to address communication and deficiencies within the Department.
- Appropriate training, clarification of expectations and as warranted, corrective action, will occur.

We work diligently as a City to protect the tree resources of our community and take seriously the task of maintaining a healthy tree canopy while balancing the needs of a safe community. I look forward to working with the Commission, the Community and Staff to make improvements to our process to better meet the expectations of each of us and rebuild the trust in the work we do.