

Trees on City Owned Property Council Work Session October 19, 2020

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Purpose of Work Session:

1. Provide Councilors with an overview of programs & projects under Public Works' purview
2. Discuss policy question for amending SRC 86 (Trees on City Owned Property)

Work Session Overview

1. Programs and Projects
2. Background:
 - Salem Revised Code Chapter 86
 - Administrative Rule 109-500-002
3. Policy Question: What should violator pay?
 - Civil Penalty, Restitution, Restoration
4. Council Discussion

Salem's Tree Programs

- ❖ **Community Forestry Strategic Plan Implementation**
 - Tree Inventory
 - Community Engagement
 - Code changes
 - Enhanced Tree Plantings (FOT, Treecology, Urban Forestry)
 - Tree Canopy Goal Setting
- ❖ **Tree City USA** - 44 years 2020, Sterling City status
- ❖ **Urban Tree Canopy Assessment** – New canopy goal set
- ❖ **Cities4Forests** - Founding Member, International initiative
- ❖ **Salem Parks and Recreation Advisory Board (SPRAB)**
- ❖ **Salem Urban Forestry Division**





Community Forestry Strategic Plan

Goal 1: Protect, increase, and enhance Salem's tree canopy;

Goal 2: Increase education and outreach about tree benefits, community forestry program, tree regulations, and incentives;

Goal 3: Develop support at political, management and public levels;

Goal 4: Improve City coordination, communication, and codes related to trees;

Goal 5: Develop and implement a Community Forestry Management Plan; and

Goal 6: Establish a stable funding for the Community Forestry Program.

Tree City USA

- Salem is a charter member of Tree City USA, started in 1976, making us the longest standing Tree City USA in Oregon. **2020 will be 44 years as TCUSA.**
- We have achieved a Sterling City designation from Tree City USA for achieving Growth Awards for 10 years. As of 2019, Salem has earned **13 Growth Awards**.
- Each year we hold an Arbor Day event and Arbor Day Proclamation.



Friends of Trees

- Public Works began contracting with Friends of Trees in 2013 to plant trees and shrubs in parks, schools, and along streams.
- Since 2013 more than 1,200 trees and 35,000 shrubs have been planted.
- In 2020 Friends of Trees will plant **182 Trees** in 7 events + watered 347 trees.



Street Tree Planting – Treecology Contract

- PW began 5-year contract in 2018 with arboriculture firm, Treecology, for street tree plantings and 3-years of maintenance for each tree planted.

Trees Planted:

2018 – 188

2019 - 208

2020 - 157

553

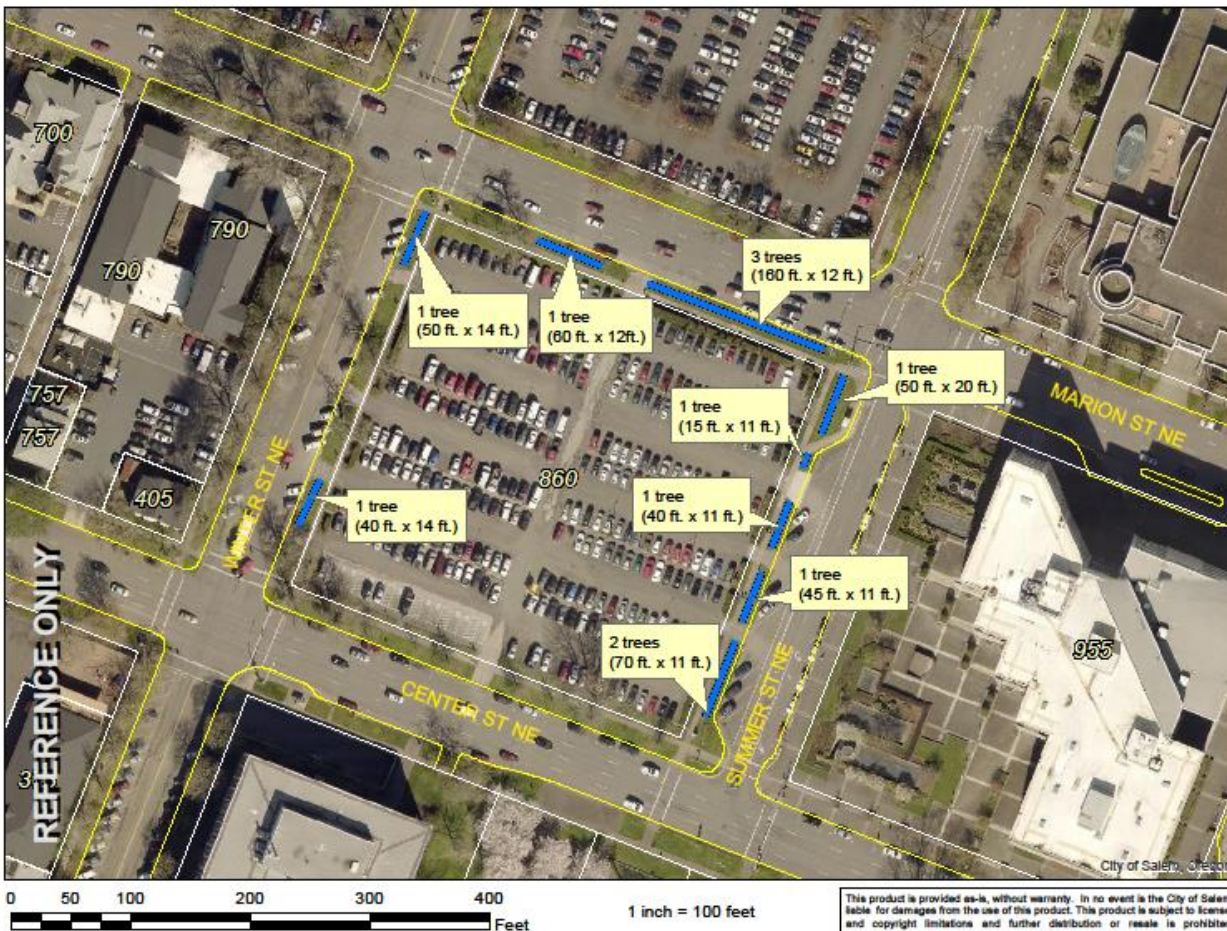


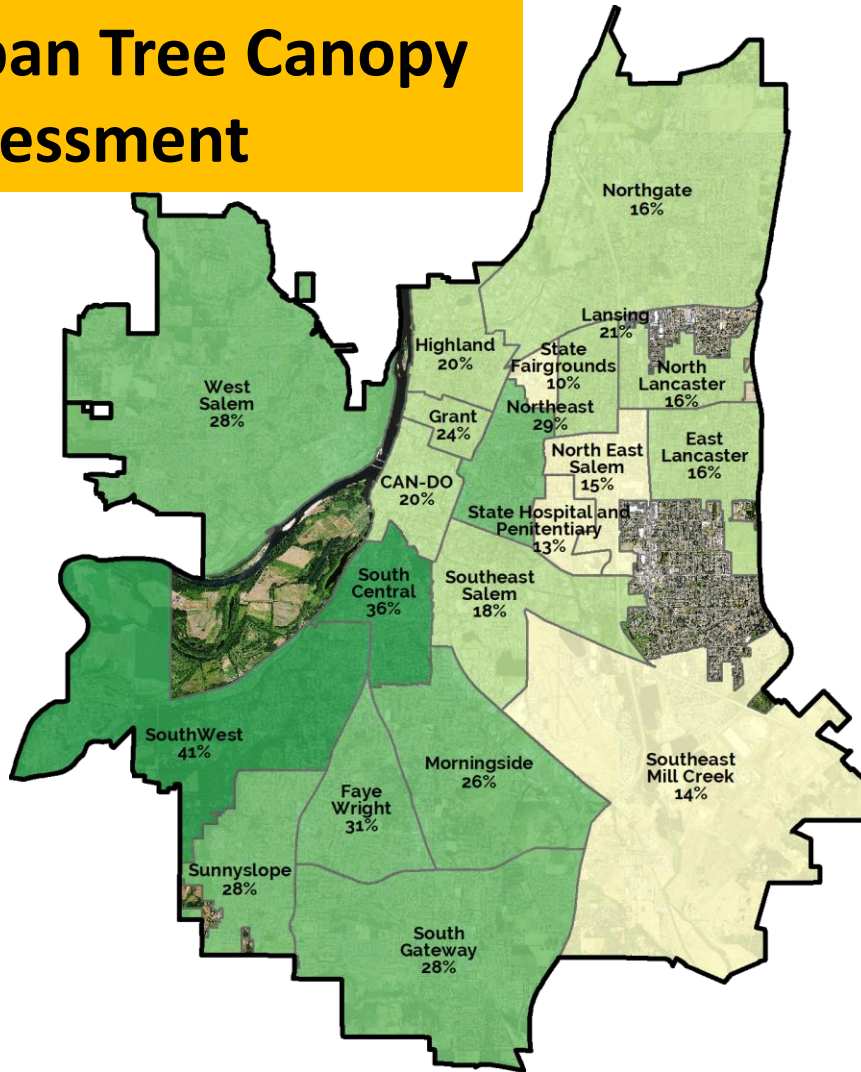
Figure 9: New Street Trees Adjacent to State Capital Parking

Urban Tree Canopy Assessment

- Public Works measures the urban tree canopy **every 10** years to monitor and track change over time. These assessments are required every census year per SRC Chapter 808.
- Salem's tree canopy has **increased 6% over the last decade to 24 percent**, exceeding the 23 percent goal set in 2010.
- Salem has set a new canopy goal of **28% by 2030**, using the same goal-setting methodology as the previous decade.
- To keep increasing Salem's tree canopy it require protecting and increasing trees on private property.



Urban Tree Canopy Assessment



2018 Canopy by Neighborhood Association

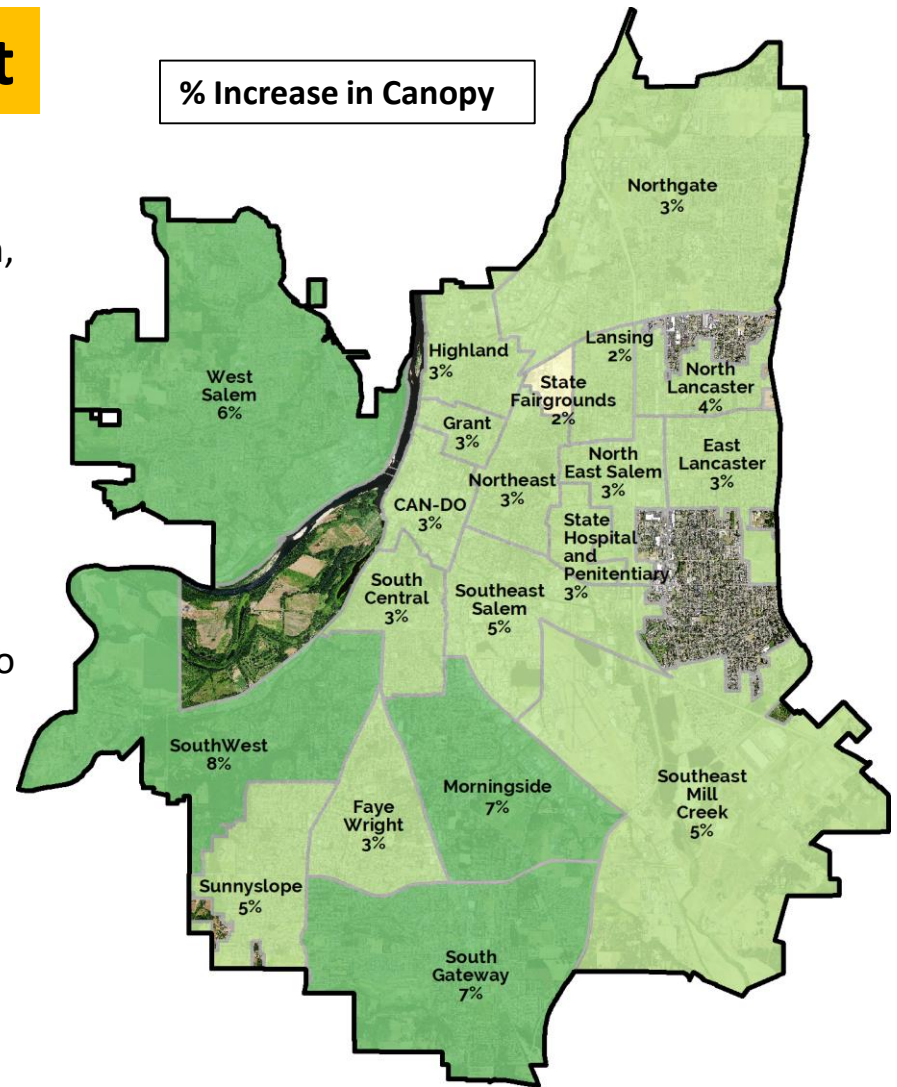
1	SEMCA	14%
2	NESCA	15%
3	ELNA	16%
4	NOLA	16%
5	NORTHGATE	16%
6	SESNA	18%
7	CANDO	20%
8	HIGHLAND	20%
9	LANSING	21%
10	GRANT	24%
11	MORNINGSIDE	26%
12	SGNA	28%
13	SUNNYSLOPE	28%
14	WEST	28%
15	NEN	29%
16	FAYE WRIGHT	31%
17	SCAN	36%
18	SWAN	41%

Urban Tree Canopy Assessment

Every Salem neighborhood shared in the canopy gain, from 2% in Lansing, to 8% in SWAN.

Several factors contributed to the increase:

- Growth of existing trees.
- Growth of young trees previously too small to count.
- Newer, more accurate technology.
- New areas included for assessment, such as Minto conservation areas and tree plantations.



Urban Tree Canopy Assessment

- Salem's tree canopy provides \$80 million a year in environmental benefit, enhancing air quality, filtering stormwater, and storing carbon. Those benefits help protect public health, water supply, local economies, and aesthetics.



ECO BENEFIT SAVINGS

**\$80 Million
in Annual
Savings**

AIR QUALITY

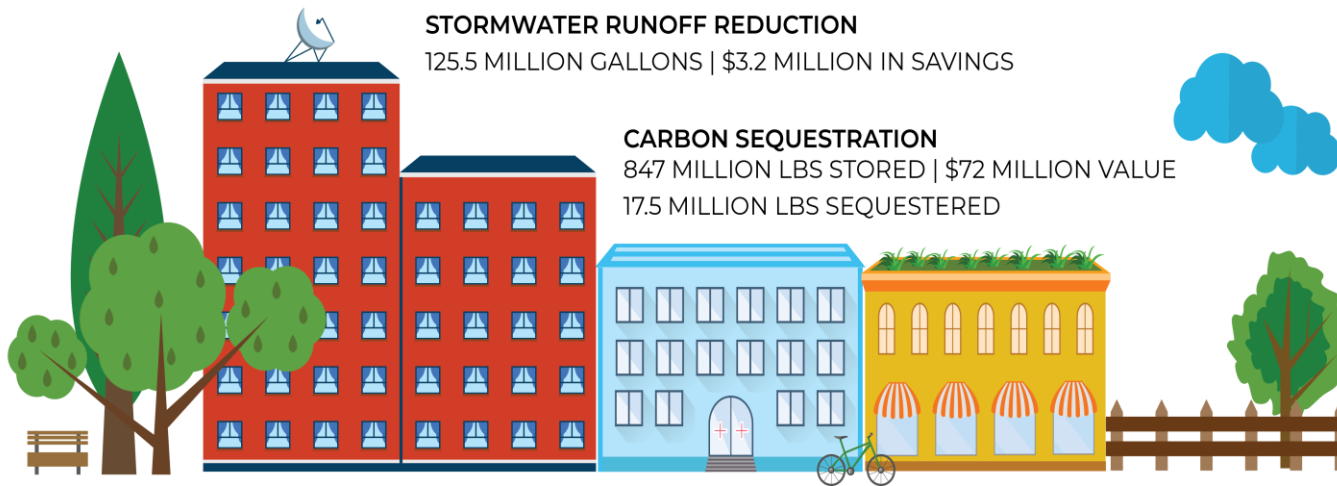
548K LBS OF POLLUTANTS REMOVED | \$4.2 MILLION VALUE

STORMWATER RUNOFF REDUCTION

125.5 MILLION GALLONS | \$3.2 MILLION IN SAVINGS

CARBON SEQUESTRATION

847 MILLION LBS STORED | \$72 MILLION VALUE
17.5 MILLION LBS SEQUESTERED



Cities4Forests

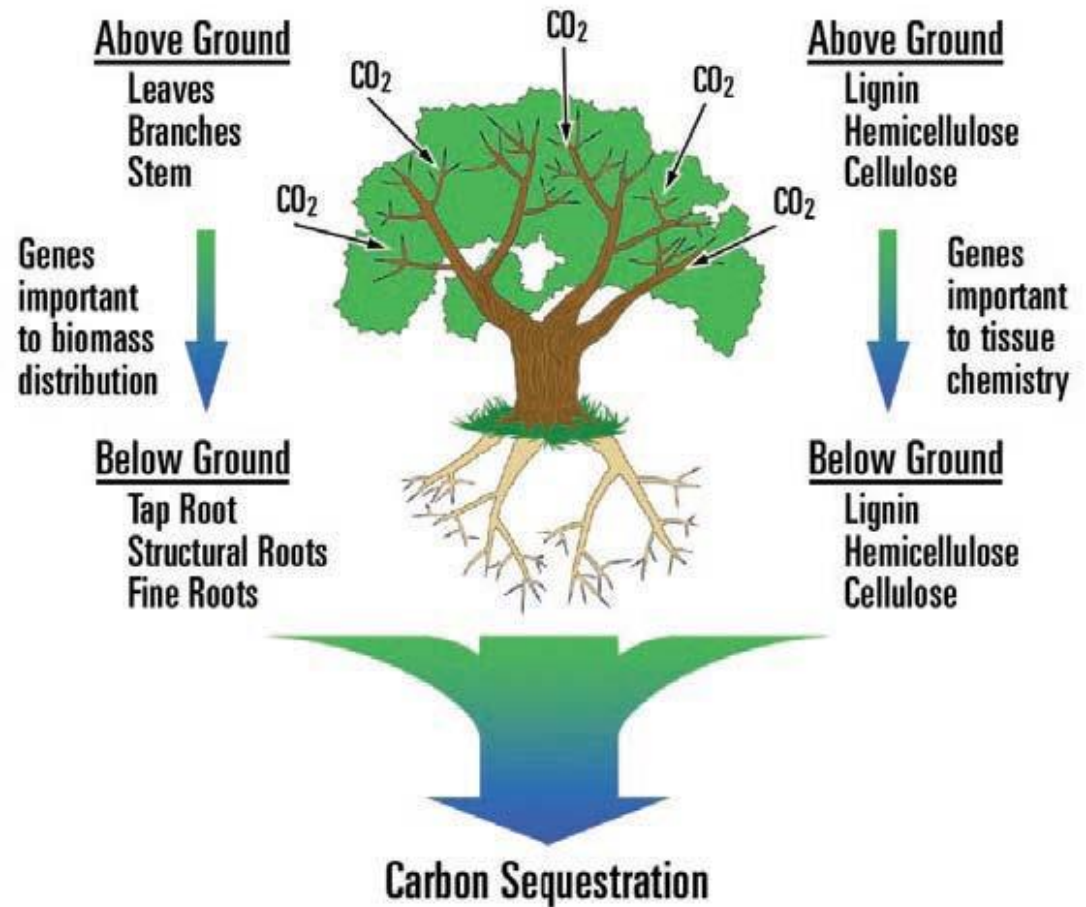
- In 2018, the City of Salem signed on as a founding member to Cities4Forests, a new global initiative that focuses on the value and benefits of trees in cities and forests.
- Cities4Forests has a goal of integrating trees into how cities develop and grow, and of harnessing the value of trees to meet multiple objectives, such as:
 - improving public health;
 - protecting drinking water supplies;
 - and providing benefits for air quality, water quality, and heat island mitigation.



Salem's Climate Action Plan and Trees

Trees reduce the **greenhouse gas** effect through the process of capture and long-term storage of atmospheric carbon dioxide. This process is called **carbon sequestration**.

A healthy tree stores about 13 lbs. of carbon annually or 2.6 tons per acre per year

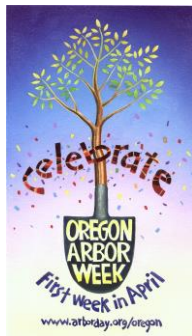


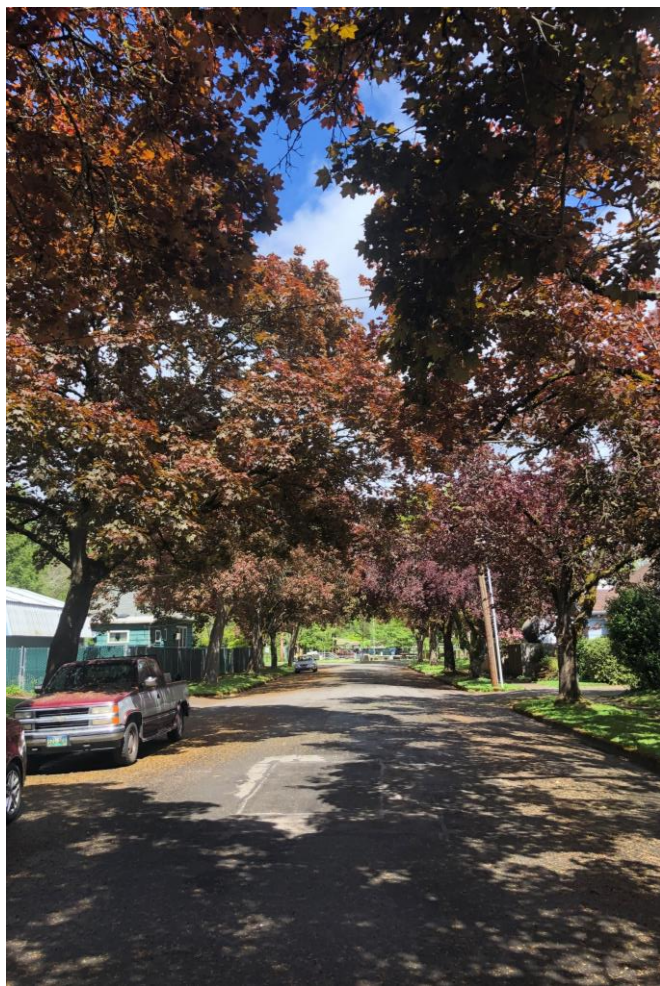
Salem Parks & Recreation Advisory Board (SPRAB)

- **Board:**
 - Hears appeals related to SRC 86
- **Tree Committee:**
 - Clarified coordination with trees in Historic Districts
 - Flow chart of permitting process
 - Assisted with update to Recommended Street Tree List
 - Developing public survey re: public perceptions of trees, barriers to trees on private property, incentives



Salem's Tree Programs





Urban Forestry Division

City Of Salem Public Works Department

Urban Forestry Division

Roles and Responsibilities



- Prunes, plants and removes all trees that require maintenance in the right of way, remove trees obstructing traffic, and keeping all streets, sidewalks, paths and bike lanes clear city-wide. The UFD is on call 24-7 to respond to any tree down causing a safety concern
- Schedules new plantings for city crews and contractors as well as reviewing plans for PW planning to comply with city codes and standards
- Inspects all tree related construction projects citywide, PW permits for city trees and oversees all tree related permits for the Planning Department including Significant Tree removals, tree protection compliance, and Historic Trees.
- Manages the street tree inventory, updating and monitoring the health of over 15,000 trees currently
- Assist all PW Departments with any tree work city-wide including Streets, Water & Sewer, Salem FD, Salem PD and any other Dept requiring tree related assistance

Urban Forestry Division Completed Work 2019-2020

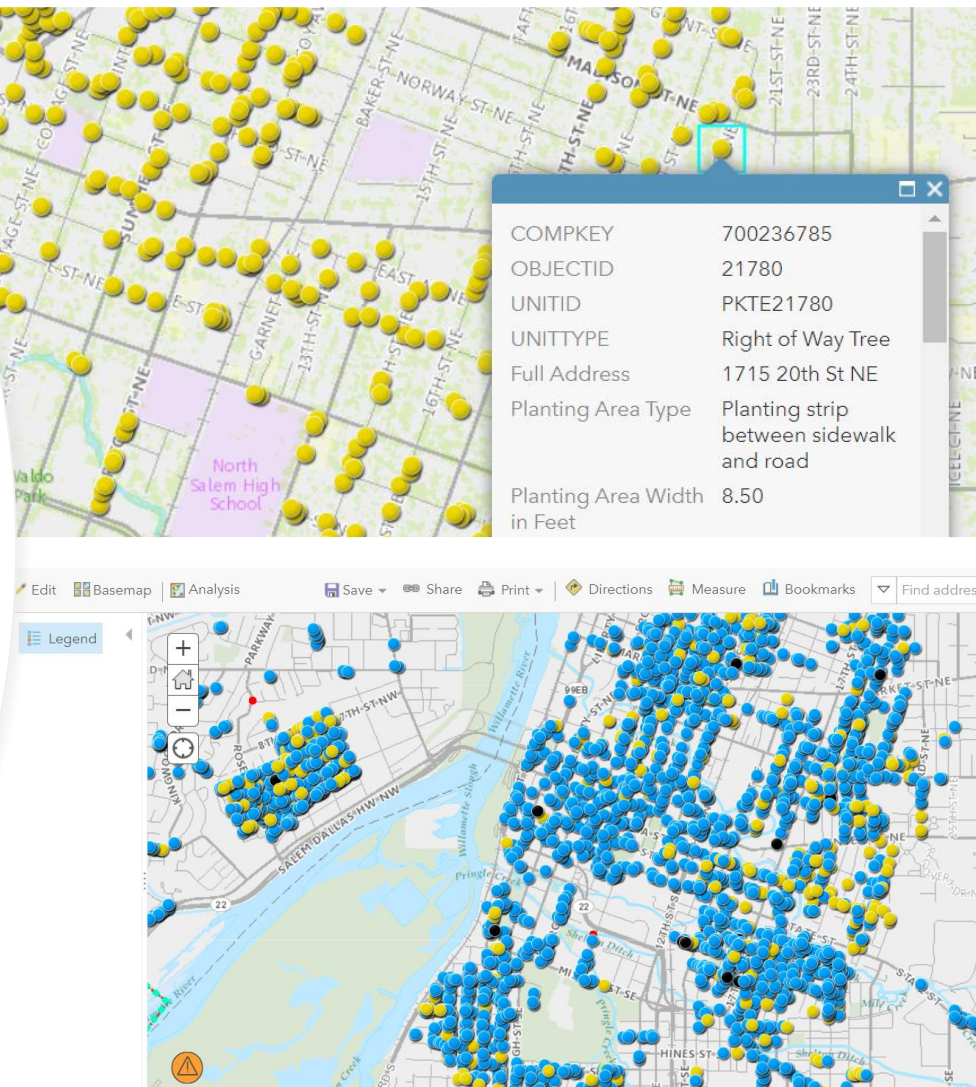
- In 2019 city crews pruned 3068 street trees, removed 237 street trees and planted 145 street trees
- In 2018-2019 the city inventoried 3918 street trees
- Thus far in 2020 city crews have pruned over 4000 trees, removed 171 trees and planted 205 trees
- Thus far in 2020 we have inventoried over 12,000 new street trees in the Salem Maps GIS system, identified 2109 new street tree planting locations
- Since July 17th the Urban Forestry Division has closed over 300 Service Requests in the new IPS system
- Reviewed over 150 city street tree permits since 2019
- Over 240 Vegetation Obstruction complaints processed

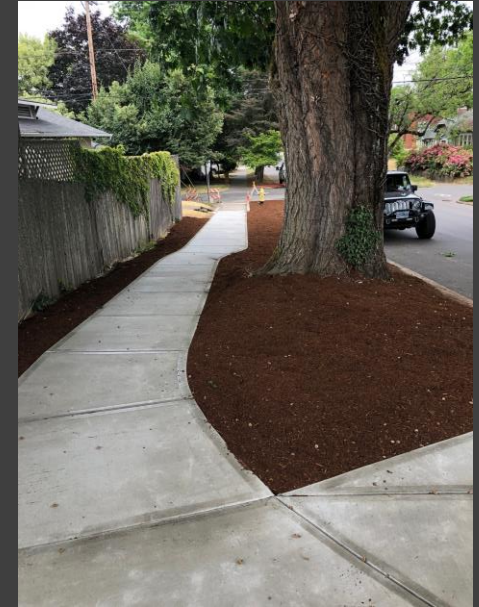


Urban Forestry Division

Street Tree GIS Inventory

- Working on a comprehensive GIS street tree inventory to capture tree species & health, location and soil space, utility orientation, sidewalk condition and ownership
- Can have data available for overall health of the urban canopy & species distribution
- Will improve management and maintenance programs and allow historical data to be connected to each location inventoried
- Create maps for work orders and allow better efficiency in completing tasks
- Is connected to our IPS Service Request and Work Order System to track all work city-wide
- As of 10/16/2020 15,316 locations have been inventoried.





Urban Forestry Division

We are prioritizing communication and cooperation with public works divisions regarding tree related construction. Improving relationships and response time to projects, ensuring proper tree protection and code enforcement requirements.

Urban Forestry Division

Highlights and Accomplishments

- 4 ISA Certified Arborist(2 new in 2020) on City staff and one ISA Certified Tree Risk Assessment Qualification(new 2020)
- Have implemented new safety standards and are closely following OSHA and TCIA tree standards to be above tree industry standards for equipment and operation procedures. Have had three training sessions with Salem FD on Aerial Rescue Training and Response and will continue to work with Salem FD on future training exercises.
- Transitioning gas powered tools to battery powered and hydraulic powered saws to reduce environmental impacts. Thus far we has switched over backpack blowers, pole pruners and top handle saws to battery.
- All waste wood products from city tree pruning and removals are re-used/recycled. All wood chips are used in Park areas and all large wood is taken by Marion Co Juvenile Facility to become milled lumber or firewood for sale to help fund their programs.
- Urban Forestry, Parks Ops was the first PW work unit to go paperless with Service Requests this summer



Urban Forestry Division

City Tree Appraisal Worksheet for PW Risk

Formula used in association with any MVA city-wide or any other accident related tree issues.

Work directly with risk management to get reimbursed for trees that are damaged



Repair Estimate



Department Organization Name: PW Parks Maintenance		Today's Date: 10/2/2020	
Project Location: 1500 Commercial St SE		Date of Incident: 10/1/2020	
Police Incident Number:	SR Number:	Work Order Number:	
Cost Center Number: 21 50 10 00		Equipment Number:	
Billing Information: <input checked="" type="radio"/> Estimate <input type="radio"/> Project	Funding Code: PW006	Asset Tag Number:	
Project Number:	Revenue Code: 32310	Template Number: 21 50 00 07	
Project Title:	Additional Task Num(s):	Requested By: Milan Davis	
Crew Used Project:	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Companion Project:			
Other Related Information:			

Description (Specify asset damaged or services required due to incident.)							
5.4" Flowering Pear							

Labor							
Classification	Billable Rate	Hours	Costs	Overtime Billable Rate	Hours	Costs	Total Labor
Seas-Laborer	\$ 39.35	1.00	\$ 39.35	\$ 32.19		\$ -	\$ 39.35
Seas- Prks Maint Operat	\$ 49.10	0.00	\$ -	\$ 40.18		\$ -	\$ -
Tree Trimmer	\$ 58.37	2.00	\$ 116.74	\$ 47.76		\$ -	\$ 116.74
Parks Maint Operator	\$ 56.06		\$ -	\$ 45.87		\$ -	\$ -
Parks Project Coord	\$ 65.70	1.00	\$ 65.70	\$ 53.76		\$ -	\$ 65.70
			\$ -			\$ -	\$ -
			\$ -			\$ -	\$ -
			\$ -			\$ -	\$ -
			\$ -			\$ -	\$ -
Subtotal:							\$ 221.79

Equipment				
Description	Hourly Rate	Hours		Total Equipment
Chip Truck/Tower + Manlift (#10744)	\$ 5.58	0.00		\$ -
Chip Truck #4301	\$ 5.74	1.00		\$ 5.74
Brush Chipper #1950	\$ 3.78	1.00		\$ 3.78
Tilt Flatbed Truck #9900	\$ 4.94	0.00		\$ -
Stump Chipper #0769	\$ 4.52	1.00		\$ 4.52
1/2 Ton 4x4 Full-size Pickup #1610	\$ 2.76	0.50		\$ 1.38
Utility Truck	\$ 3.55			\$ -
Subtotal:				\$ 15.42

Materials				
Description	Unit Cost	Units		Total Materials
5.4" = 2.7, 2 inch replacement trees	\$ 140.00	7.90		\$ 1,106.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
Subtotal:				\$ 1,106.00

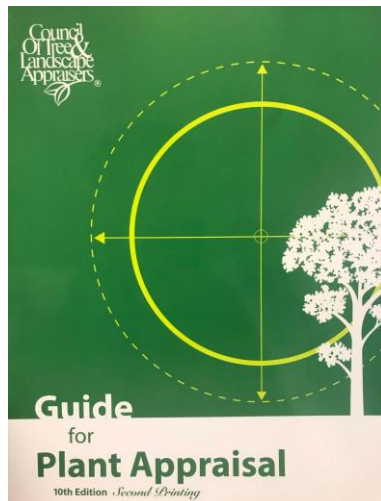
Contractual Services				
Description	Unit Cost	Units		Total Contracted
Establishment watering for 3 summers	\$ 300.00	1.00		\$ 300.00
				\$ -
Subtotal:				\$ 300.00
TOTAL:				\$ 1,643.21

Urban Forestry Division

Tree Appraisal Worksheet for code

Instructions:

Fill out the spaces in yellow. Questions 3, 4, and 5 are determined by a licensed arborist. The replacement tree should be similar to the removed tree. If the removed tree is no longer approved as a street tree, find a tree of the same Genus or similar. The replacement tree should be approximately 2"-2.5" caliper, sourced from a reputable nursery in the Pacific Northwest.



Address	1234 North Pole Dr					
Tree #						2
Location	Santas Workshop					
Subject Tree						
Species	Christmas tree					
1 Trunk Diameter (inches)	10	@	dbh			10
2 Cross-sectional area (line 1 x line 1) x 0.7854						78.54
3 Condition rating	90%	Determined by Arborist				90%
Health						
Structure						
Form						
4 Functional Limitations	80%	Determined by Arborist				80%
5 External Limitations	80%	Determined by Arborist				80%
Replacement Tree						
Species	oak					
6 Trunk Diameter (inches)	2	@	caliper			2
7 Cross-sectional area (line 6 x line 6) x 0.7854						3.1416
8 Replacement cost	\$150.00					\$150.00
Source						
Calculations						
9 Unit tree cost (line 8 / line 7)						\$47.75
10 Basic reproduction cost (line 2 x line 9)						\$3,750.00
11 Depreciated reproduction cost (line 10 x line 3 x line 4 x line 5)						\$2,160.00
Additional costs						
Clean up						
Replacement tree installation						
Aftercare						\$600.00
12 Total additional costs						\$600.00
13 Total reproduction cost						\$2,760.00
14 Rounded Total						\$2,760

SRC 86 (Trees on City Owned Property)

Background – Amending SRC 86 (2015)

1. Removed Council from making direct, [private] project-by-project decisions on trees on City-owned property
2. Provided objective criteria for tree removal on City-owned property
3. Clarified public notice requirements
4. Established permitting, notification, enforcement, and appeals processes;
5. Set SPRAB as reviewing authority for appeal of Director's decision on tree removal permit for private development

Admin Rule 109-500-002

(Trees on City Owned Property)

Background – Creating Admin Rule (2016)

1. Establish specific criteria, standards of practice, and procedures for the planting, treating, removal, pruning, and protecting trees on City-owned property
2. Described permit submittal requirements, damage assessment criteria, and procedures for payment in lieu of planting
3. Provided lists for recommended street trees and prohibited street trees

SRC 86 and Administrative Rule

Lessons learned to be addressed in amendments

1. Clarify the role of SPRAB for City projects
2. Refine process for issuing Notice of Violation
3. Detail the methodology for appraising value of tree
4. Shift responsibilities for restoration from violator to City (violator still pays the cost of restoration)
5. Align payments by violators with Council intentions

SRC 86 (Trees on City Owned Property)

What does a violator pay?

Currently:

1. Civil Penalty => Up to \$2,000 per tree (matrix)¹ PLUS
2. Appraised tree value => \$1,000s per tree (varies)² PLUS
3. Cost of restoration \geq Appraised value

¹ Point-based civil penalty matrix considers responsibility, fault, culpability, responsive actions.



5/2015 - 4/2020 enforcement actions: range was \$250 - \$500 per tree

² Appraised value of tree considers species, trunk diameter, pre-loss condition, site conditions, other factors.



5/2015 - 4/2020 enforcement actions: range was \$1,370 - \$16,820 per tree

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Example: \$500 (Civil) +

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Example: \$500 (Civil) + \$5,800 (Appraised) + \$5,800 (Restoration) =

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Example: \$500 (Civil) + \$5,800 (Appraised) + \$5,800 (Restoration) = **\$12,100**

SRC 86 (Trees on City Owned Property)

Council Discussion: What does a violator pay?

Between May 2016 and April 2020

- Total No. Cases: Nine
- Cases Resolved: Five
- Total Amount Collected¹: \$13,450
- Total Amount Pending²: \$83,608

¹ Collected amount includes combination of civil penalty, appraisal, and restoration costs.



² Pending includes: case with signed settlement agreement (\$43,000), case still in appeal period, cases under review for potential settlement.

SRC 86 (Trees on City Owned Property)

Council Discussion: What should a violator pay?

SRC 86 (Trees on City Owned Property)



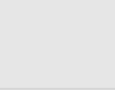
Council Discussion: What should a violator pay?

Current Code	Options for Consideration
Civil Penalty (matrix) \leq \$2,000	Civil Penalty (matrix) \leq \$2,000?
	Civil Penalty X2 if Class 2 Tree? ¹ Civil Penalty X3 if Class 1 Tree? ¹
	Civil Penalty (matrix) \leq \$TBD ¹

¹Any increase in Civil Penalty would also require amending SRC 20J

SRC 86 (Trees on City Owned Property)



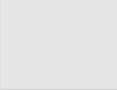
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	Civil Penalty (matrix) \leq \$TBD? ¹
Appraised Value (methodology)	Appraised Value (methodology)?
	Set a not-to-exceed value?

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	Civil Penalty (matrix) \leq \$TBD? ¹
Appraised Value (methodology)	Appraised Value (methodology)
	Set a not-to-exceed value?
Restoration \geq Appraised Value	Restoration \geq Appraised Value?
	Restoration = Actual est. cost

¹Any increase in Civil Penalty would also require amending SRC 20J

Council Discussion

Backup Slides

Enforcement of Public Works Regulations (Admin Rule 109-100-001)

Table 1. Enforcement Penalty Matrix				
Enforcement Evaluation Criterion	0 points	1 point	2 points	3 points
1. Was the violation the result of events or circumstances not reasonably within the person's control?				
2. Was the person negligent by failing to obtain or comply with the necessary permits and approvals?				
3. Was the action a willful and knowing violation?				
4. Was the person unresponsive in correcting the violation?				
5. Is this a repeat violation of the same or related provisions of the <i>Salem Revised Code</i> ?				

Within person's control?

Negligence on permit?

Willful or knowing?

Responsive to correct?

Repeat violation?

Enforcement of Public Works Regulations (Admin Rule 109-100-001)

(3) Was the action a willful and knowing violation?

- Points = 0 If the person did not know and had no way of knowing that the action or inaction constituted a violation.
- Points = 1 If the person should have known the action or inaction constituted a violation.
- Points = 2 If it is likely the person knew the action or inaction constituted a violation.
- Points = 3 If the person clearly knew the action or inaction constituted a violation or if the violator had been previously informed by the Director that the action or inaction constituted a violation.

(4) Was the person unresponsive in correcting the violation?

- Points = 0 If steps were taken to correct the cause of the violation as soon as the person learned of it.
- Points = 1 If the cause of the violation was eventually corrected, but not in timely or cooperative fashion.
- Points = 2 If the person made little effort or was ineffective in attempts to correct the cause of the violation and the cause of the violation was not corrected.
- Points = 3 If the person made no attempt to correct the cause of the violation.

Enforcement of Public Works Regulations

(Admin Rule 109-100-001)

Definitions from Enforcement Administrative Rule (109-100-001)

Minor violation means any violation that did not create risk to public health and safety, caused no damage to the environment, and did not adversely impact public infrastructure.

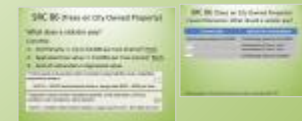
Moderate violation means any violation that may create or is likely to have created a risk to public health and safety, damaged the environment, or adversely impacted public infrastructure, to a degree determined to be less than significant.

Major violation means any violation that created a significant risk to public health and safety, caused significant damage to the environment, or had a significant adverse impact to public infrastructure.

Enforcement of Public Works Regulations (Admin Rule 109-100-001)

Table 2. Assessment of Penalty Based on Gravity or Magnitude of Violation

Total Criteria Score	Gravity or Magnitude of Violation		
	Minor	Moderate	Major
1 – 4 points	\$50	\$100	\$200
5 – 6 points	\$150	\$300	\$600
7 – 8 points	\$250	\$500	\$1,000
9 – 10 points	\$375	\$750	\$1,500
Over 10 points	\$500	\$1,000	\$2,000



Enforcement of Public Works Regulations

Multiplier for Civil Penalty?

Total Criteria Score	Classification of Tree		
	Class 3	Class 2	Class 1
1 – 4 points	\$50	\$200	\$600
5 – 6 points	\$150	\$600	\$1,800
7 – 8 points	\$250	\$1,000	\$3,000
9 – 10 points	\$375	\$1,500	\$4,500
Over 10 points	\$500	\$2,000	\$6,000

- Class 1.** Healthy, structurally stable trees that are: (A) Heritage trees, (B) Oregon white oaks with a dbh of 24-inches or greater, or (C) trees with exceptional ecological, aesthetic or historic qualities....
- Class 2.** Other healthy, structurally stable trees that have a viable lifespan of more than five years, but that do not meet Class 1 criteria....
- Class 3.** Trees that are 6 inches dbh or less, or that do not fall into either of the above classification....

Note: dbh = diameter at breast height, defined as 4.5 feet above ground



Enforcement of Public Works Regulations

Increase Maximum Civil Penalty to \$5,000?

Total Criteria Score	Classification of Tree		
	Class 3	Class 2	Class 1
1 – 4 points	\$125	\$250	\$500
5 – 6 points	\$375	\$750	\$1,500
7 – 8 points	\$625	\$1,250	\$2,500
9 – 10 points	\$950	\$1,875	\$3,750
Over 10 points	\$1,250	\$2,500	\$5,000

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