# Legislation Details (With Text)

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| **Title:** | Work Session: Salem's City Trees and Programs.<br><br>Ward(s): All Wards<br>Councilor(s): All Councilors<br>Neighborhood(s): All Neighborhoods<br>Result Area(s): Good Governance; Natural Environment Stewardship; Welcoming and Livable Community | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Code sections:** | | | |
| **Attachments:** | 1. 2019 Tree Report-Summary of Tree Projects.pdf, 2. SPRAB Urban Forestry Report October 2020.pdf, 3. SRC 86 - Trees on City Owned Property.pdf, 4. Administrative Rule 109-500-001 Trees on City-owned Property.pdf, 5. Public Comments received.pdf, 6. Additional Public Comment received | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 10/19/2020 | 1 | City Council | received and filed | |

**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Peter Fernandez, PE, Public Works Director

## SUBJECT:

Work Session: Salem's City Trees and Programs.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Natural Environment Stewardship; Welcoming and Livable Community

## ISSUE:

A work session on Salem's City-owned trees and tree-related programs

## RECOMMENDATION:

Information only.

## SUMMARY:

The two-fold purpose of this work session is to:

(1) Provide Councilors with an overview of programs and projects for trees on City-owned property; and

(2) Provide Councilors an opportunity to discuss policy questions concerning potential amendments to *Salem Revised Code* Chapter 86 (Trees on City Owned Property) specifically regarding civil penalties and enforcement.

## FACTS AND FINDINGS:

Programs

Attachment 1 provides a summary of plans, programs, projects, and other activities undertaken by the Public Works Department in 2019 that support and enhance Salem's urban tree canopy. Among these are:

Tree City USA. Salem is a charter member of this Arbor Day Foundation program and has continued to earn its membership for 43 consecutive years. 2020 will be our 44th.

Cities4Forests. Salem is one of the founding members of this international organization that provides technical support and networking opportunities from communities around the world.

Friends of Trees. Salem has contracted with this nonprofit organization since 2013 to enhance the urban tree canopy, restore riparian corridors, and train volunteers in planting and caring for trees and planning and conducting planting events.

Treecology, Inc. This Portland-based organization is under contract with the City to plant and maintain trees in the public right-of-way.

Urban Tree Canopy Assessment. An assessment of Salem's urban tree canopy is conducted every 10 years. In 2009, the canopy was assessed to be 18.3% citywide and a goal of 23% was adopted in the 2013 *Community Forestry Strategic Plan*. In the 2019 Urban Tree Canopy Assessment, the canopy was determined to be 24%. The new goal for Salem's urban tree canopy is now 28%.

Community Forestry Strategic Plan. Approved by Council in 2013, this citywide plan contains goals and actions that protect and enhance Salem's urban tree canopy.

Urban Forestry Program. This program is implemented by the Urban Forestry Division (UFD) of Public Works under the direction of the Urban Forester. Responsibilities includes pruning, planting, and removing trees in the right-of-way. UFD also provides 24-hour response for removing fallen trees or branches obstructing traffic, and works to keep all streets, sidewalks, paths, and bike lanes clear. In 2019, City crews pruned 3,068 street trees, removed 237 street



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trees, and planted 145 street trees. Currently the Urban Forestry Division has four ISA (International Society of Arboriculture) Certified Arborists who inspect all tree-related permits and Public Works-generated service requests. The UFD is also tasked with reviewing all plans and construction documents regarding tree-related work to meet City standards and current codes. Attachment 2, the Urban Forester's October report to the Salem Parks and Recreation Advisory Board, illustrates the scale and scope of the work of the Urban Forestry Division.

Street Tree Inventory Program. The purpose of this program is to gain a detailed understanding of Salem's urban forest structure, enabling implementation of better practices for planning, planting, and maintaining urban trees, as well as providing more information for evaluating high risk trees. In 2018-2019, the City performed random sample inventories to obtain important data about the health and size of Salem's urban forest. In these inventories, 3,018 trees were evaluated and helped develop the City of Salem Sample Inventory Report in 2019. The Urban Forestry Division is now developing a comprehensive street tree inventory that will capture tree species, tree health, and soil volume of right-of-way trees citywide. There have been over 15,000 trees inventoried, with over 50,000 city trees when the inventory is completed. Projected completion of the full street tree inventory is the fall of 2021.

Policy Considerations

Public Works is responsible for implementing the provisions of *Salem Revised Code* (SRC) Chapter 86. In 2015, City Council amended SRC Chapter 86:

- Removed Council from making direct, project-by-project decisions on trees on City-owned property;
- Provided objective criteria for tree removal on City-owned property;
- Clarified public notice requirements;
- Established permitting and notification processes;
- Established enforcement and appeals procedures; and
- Established the Salem Parks and Recreation Advisory Board as the reviewing authority for appeals of the Director's decisions regarding permits for tree removal by private development on City-owned property.

In 2016, Administrative Rule 109-500-002 established regulations and practices applicable to trees on City-owned property as required by SRC Chapter 86. Among other provisions, this rule:

- Provided specific criteria, standards of practice, and procedures for the planting, treating, removal, pruning, and protecting trees on City-owned property; and
- Described permit submittal requirements, damage assessment criteria, enforcement actions, and procedures for payments in lieu of planting.

Based on lessons learned after five years of implementing SRC Chapter 86 and its associated Administrative Rule, further amendments are required. One of the issues requiring attention is enforcement and the amount a violator should pay. The current code specifies that any person failing to comply with the requirements of the code will be subject to a civil penalty of up to $2,000 per

tree. Additionally, the violator must also pay restitution based on the appraised value of the tree(s) removed. Further, the violator is also responsible for restoring damages, the cost of which is in addition to the civil penalty and restitution charge *and* it cannot be less than the appraised value of the removed tree(s), regardless of the actual restoration costs.

Subject to Council direction received at this work session, the enforcement provisions of SRC Chapter 86 may require amending in order to better reflect Council's intended policy on the amount a violator should pay.

## BACKGROUND:

1. *Salem Revised Code* Chapter 86 (Trees on City Owned Property) was last amended by Ordinance Bill No. 23-15 on October 12, 2015. (See Attachment 3.)

2. Administrative Rule 109-500-001 (Trees on City Owned Property) was implemented on January 1, 2016. (See Attachment 4.)

3. Additional information regarding the programs implemented by the Public Works Department related to trees on City-owned property and the development of *Salem Revised Code* Chapter 86 is available in the following reports:

- May 13, 2013. Councilor Motion by Chuck Bennett, Ward 1. "Proposed revisions to *Salem Revised Code* Chapter 86: Trees and Shrubs."
- August 12, 2013. Staff Report. "Adoption of the *Community Forestry Strategic Plan*."
- June 8, 2015. Staff Report. "Council decision on creation of Urban Tree Commission and preferred appeal process related to proposed revisions to Salem Revised Code Chapter 86."
- September 28, 2015. Staff Report. "Amendments to *Salem Revised Code* Chapter 86 Trees on City-owned Property."
- October 12, 2015. "Supplemental Staff Report. Amendments to *Salem Revised Code* Chapter 86 Trees on City-owned Property."
- March 15, 2019. Staff Report. "Salem 2018 Tree Report."
- December 2, 2019. Staff Report. "Intergovernmental Agreement between Oregon Department of Transportation for tree planting and maintenance on Salem Parkway."
- February 10, 2020. Staff Report. "Salem 2019 Tree Reports."
- March 23, 2020. Staff Report. "Enforcing *Salem Revised Code* Chapter 86 - Trees on City Owned Property."


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Attachments:

1. Salem Tree Report: 2019 Summary of Tree Projects
2. SPRAB Urban Forestry Report October 2020
3. Salem Revised Code Chapter 86, Trees on City Owned Property
4. Administrative Rule 109-500-001, Trees on City Owned Property