



**City of Salem Public Works Department  
Parks and Transportation Services Division  
Shade Tree Advisory Committee  
Minutes**

**Date:** January 17, 2013  
**Time** 3:00 p.m.  
**Place:** Parks Operations Conference Room, Building 14  
**Attendees:** Don Christensen  
Linda Peterson  
Laura Leshar  
Wes Bouche  
Carl Goodwin  
  
Staff Present:  
Jan Staszewski  
Ruth Rocha  
  
**Absent:** None

1. **Approval of Minutes:** The minutes for the July 17, 2012 and January 9, 2013 meeting were approved.
2. **Surplus Timber Sales:** None since the last report.
3. **Tree Incidents:** None since the last report.

**Issues:**

**Recommendation on Appeal of Denial of Tree Removal Request – 555 Court St (Court House Square – Transit Mall):** A motion was made by Carol Goodwin and seconded by Don Christensen to accept the proposal to remove and replace twelve maple trees on Court Street at the property owner's expense. All in favor. **The Motion carried.**

**Recommendation on Appeal of Denial of Tree Removal Request Public Hearing – 302 State St (Ladd & Bush Bldg – US Bank):** A motion was made by Carl Goodwin and seconded by Linda Peterson not to remove the trees. Wes Bouche declined to vote due to a potential conflict of interest. All in favor. **The Motion carried.**

A motion was made by Don Christensen and seconded by Carl Goodwin to recommend pruning the trees according to ISA standards. All in favor. **The Motion carried.**

**Announcements:**

Patricia Farrell with Public Works stated the work that the Community Forestry Advisory Committee did for a year went to city council, the mayor made a comment that she really appreciated all the hard work. Peter Fernandez stated it was going to be taken on the road to different groups to present and it would probably come back to city council in May or June. It is a report with a list of recommendations and actions specifically around protecting and preserving existing trees and getting more trees planted. She will post it on the website.

The next meeting was set for Thursday, March 28, 2013 at 3:00 p.m.

The meeting was adjourned at 4:00 p.m.

**Shade Tree Advisory Committee  
Minutes  
January 9, 2013**

**Members Present:** Laura Leshar, Don Christensen, Carl Goodwin, Wes Bouche, Linda Peterson

**Members Absent:**

**Staff Present:** Jan Staszewski, Urban Forester, Kimberli Fitzgerald, Senior Planner (Historic), Ruth Rocha, Office Assistant

**Citizens Present:** Abbey Driscell, James Ryan Allbritton, David Hammas, Doug Lethin, Woody Dukes, Carole Smith, John Lattimer, Eric Kittleson, Jim Lind, Kristin Ramstad

1. Chair Leshar, called the meeting to order. Roll Call completed.

Approval of Agenda (Minutes will be approved during the next STAC meeting) –  
**Passed Unanimously.**

2. Guidelines for testimony during public hearing.

- a. Citizens will be given time to testify, please sign up.

- b. If representing an organization, please identify the organization when you identify yourself.

3. Announcements – The SESNA Tree Planting Project will begin on Monday, January 21, 2013, Martin Luther King Jr. Day, they will be planting almost 70 trees in their neighborhood.

4. Issues: Removal Request – 555 Court St (Court House Square – Transit Mall): Should the City permit the removal of twelve maple trees on Court Street and plant replacement trees at the property owner's expense? John Lattimer, Chief Administrative Officer and Peggy Mitchell, Contract Manager with Marion County and Alan Paul, General Manager with Salem-Keizer Transit District are requesting removal and replacement of these trees, Mr. Lattimer stated the Courthouse Square is being rebuilt and the bus operation continues to use the north side of Court Street. The planned renovations to the building will require the construction of a temporary

pedestrian tunnel to protect the public from possible falling debris from the five story building. The tunnel needs to be large enough to protect pedestrians and people in wheel chairs while they access the city buses that park along this frontage. The trees and street lights along the street need to be removed to allow the installation of the safety tunnel. In addition, the street trees are in poor condition and would not be good candidates to preserve. The County has offered to replant the same number of trees in their current locations.

5. Removal Request – 302 State St (Ladd & Bush Bldg., U.S. Bank): Should the City permit the removal of five Japanese Zelkova trees on State Street and four Ginkgo trees on Commercial Street and plant replacement trees at the property owner's expense?
  - a. Ryan Allbritton, Region President, David Hammes, Assistant Vice President, and Doug Lethin, Contractor with U.S. Bank are requesting removal and replacement of these trees. Mr. Allbritton stated his concerns with facts that were not presented at the first hearing. These facts are liability and value added to our downtown/community. In addition, they do not want to just remove the trees but to replace them with trees the City deems necessary at the bank's cost. Three years ago they had requested all trees on Commercial Street and State Street (adjacent to the bank) be removed and were told by the City officials to hold off on the State St side for two reasons; one being an issue in the community of having all nine trees taken out at once and that future curb work on State Street would require the removal of the remaining trees. The City replaced the curb along Commercial Street and then replanted small trees. The bank was told they could do half the tree removal now (i.e., 2010) and could do the other half in two years (i.e., 2012). They are now asking the City through the STAC's recommendation to let them replace the trees that are on the North side of the building in fulfillment of the agreement they have with the City. The curb on that side has been worked on but is not complete and they state the city will need to remove them to fix the curb; it causes a liability to their customers and the citizens as a whole.
  - b. David Hammas, stated he maintains the bank property and in the last two years he has spent \$150,000 on the parking lot, taking it all the way back to the main concrete panel and \$80,000 to paint the Commercial and State Street sides; they also replaced the air conditioning. The sidewalk is

a tripping hazard and the tree roots are lifting and will continue to lift up the panels. In addition the recent curb work on State Street left a six inch difference between the curb and the sidewalk. He has a proposal with Management Services Northwest for \$10,000 to replace to all nine trees, including the ones on Commercial, to a 2.5-inch caliper, 15 feet high tree with whatever tree species the City wants.

- c. Doug Lethin (C&R Remodeling for US Bank), stated the most offending sidewalk sections have been removed when the City did the curb work on State Street. The most offending evidence was removed so the staff report does not state what was there, and there are still issues with the sidewalk panels. There is a discrepancy in the photographs as far as the number of trees goes. Historically there were only four trees rather than what is there now. The real problems are the curb heights which have been and will continue to be an ongoing problem. He answered Chair Leshner's question that these trees have matured in terms of size.

#### 6. Public Testimony:

- a. Woody Dukes – Stated he has been an Arborist for 39 years, 25 with the City. If the pavement is damaged by a city tree the city assumes responsibility for the repair and if the sidewalk is cracked and lifted and a hazard to the community the city would have to repair it themselves. He has pictures of the original trees that were planted for a total of four; he was involved in a \$20,000 program to plant all the trees in the downtown area. These trees are the few mature ones left from the original planting. A lot of the root damage to the sidewalks is due to the sidewalks poor construction and the lack of a gravel base for the sidewalk rather than from the roots. His concern is that the new trees that are planted be trees that are acceptable to everyone and that they will not be back to remove and replant again, he doesn't want to see a continuous pattern of tree removal.
- b. Carol Smith – Stated she owns three historic buildings in the downtown area and feels torn because U.S. Bank is a wonderful asset to the downtown area but also opposes the petition to take out the trees, she does realize they to have a problem with the trees. Her objection is more a matter of timing, there is a group of citizens downtown that are working

toward a major downtown streetscape project that is about 2 years out. She feels it's premature to be taking out trees and replacing sidewalks when there is a major project in the wings that could affect what happens in the area. She has taken a petition around the down town areas that opposes taking out the trees and has provided the list.

- c. Eric Kittleson – Stated he is also owner of three historic building downtown and is Carol Smith's husband. He is against removing trees, understanding the concerns regarding the liability issues, stated the bank does not own the sidewalks or trees, the City does. He thinks the bank is not required to maintain the sidewalks, but there is a liability issue that another small downtown business on the same block had when someone tripped on the sidewalk and sued them. Their insurance paid the claim. The business was very frustrated that the City did not take responsibility. It does not make sense to a lot of the property owners and they would like clarification. He stated greenery is so important and would like to see a planning phase of removing and replacing trees so it doesn't look like an extreme change.
- d. Jim Lind – Stated he has had a business for almost 30 years in the downtown area, near the bank and he sees the trees every week, they are a great esthetic and visual enhancement for the area. He feels the trees on the West side (i.e., Commercial St) that were removed make the area look like a dead zone and the ambiance is different. He wants to see a win-win situation where you gradually replace trees and fix the sidewalk to prevent accidents.
- e. Kristin Ramstad – Stated she is a resident of Salem and is an ISA certified arborist and has personal and trust accounts at U.S. Bank. She is here to support the retaining of the mature Zelkova trees on the North side of the Ladd & Bush Building. She would like to talk about public perception, climate change, and sustainability: for decades the urban forestry research has shown how tree canopy cover cools the built environments in cities. Global change is real and trees play an important role in decreasing the urban heat island effect, it's not just the quantity of the trees but the quality and size of the canopy of the trees. From more urban forestry social research, people will shop in downtown areas more if there are more healthy and mature trees outside of their stores, she would

argue that the mature trees at the bank enhances the banks standing downtown and by removing and replacing these trees with smaller trees the bank risks cultivating an image of being mired in the past. If the trees were appraised they could be valued at \$10,000 - \$30,000 apiece to replace them. Establishing new trees will take decades to match the canopy look, and small trees are so easily vandalized or damaged that ongoing replacements can cost up to thousands of dollars. When this happens cities have given up on establishing them. It will do itself and the downtown economic harm by removing these trees.

- f. Kimberly Fitzgerald – Stated she is a historic planner with the City. The historic design review process Chapter 230.075 covers streetscape standards; she will be completing a historic design review on this project. Their criteria standards related to trees would apply to the downtown historic district and she is required to look, after she gets an application, at the nomination and what is identified as significant. She can only look at things that are done within the period of significance which ends in 1952 or prior. She cannot consider the tree planting that was done in the 1960's, unless you can identify acquired significance since that time, if you determine and make a recommendation to our Landmark's Commission that the trees have acquired significance they can then add them to their nomination. Right now she has to look at what's in the nomination today and is limited by that criterion. Based upon the standards that are being passed around, the thing they want to see is that any healthy trees within the district are maintained and only diseased trees are removed. Unless there is a particular hardship caused by retaining the tree, the burden of proof is on the applicant to demonstrate that a hardship exists either to the building or streetscape. They then would look at doing something with a minimal adverse effect and if they can demonstrate that they have tried that and it doesn't work then they would look to support a removal and replacement of the tree planting. It is important to designate trees that need to be preserved through the Heritage Tree Program.
7. Meeting Summary will be at the Parks Operations office on Thursday January 17, 2013 at 3:00 p.m.
8. Adjourned at 5:00 p.m.

**P U B L I C**

**MEMO**

**W O R K S**

**TO: Peter Fernandez, Public Works Director  
Public Works Department**

**FROM: Jan Staszewski, Urban Forester  
Public Works Department**

**DATE: July 20, 2012**

**SUBJECT: Shade Tree Advisory Committee Recommendation - Request A Permit To  
Remove The Five Japanese Zelkova Trees On The State Street Side Of  
302 State Street And Replace With Another Species Of Tree**

**ISSUE:**

Should the City permit the removal of five Japanese Zelkovas and planting of replacement trees along State Street side of 302 State Street at the property owner's expense?

**BACKGROUND:**

The City received a petition from Mr. David Hammes dated July 10, 2012 (see attached) that presents his request to be permitted to remove five Zelkovas on the State Street side of the Ladd & Bush Building at 302 State Street. Mr. Hammes stated that the City trees cause continuing maintenance problems for storm lines from the building, city storm drains, and the cracking and deterioration of the sidewalk. In addition, the trees obscure the façade of this historic building. This petition to be allowed to remove and replace these downtown street trees is the process the property owner follows to seek relief under the City Code (SRC 360.030) and associated Parks and Transportation Services Division, Parks Operations Section, Policies and Procedures – Policy/Procedure Number 290.001.

**FACTS AND FINDINGS:**

The City addressed the conflict of downtown historic buildings and trees in 2001 by modifying the Salem Revised Code: Chapter 86.030(b). The revision to this chapter is as follows:

“Any person desiring for any lawful purpose to plant or remove trees in the Salem Downtown Historic District or the Central Business District shall make application to the director. In addition to the application requirements in SRC 86.030 (a), an application to plant or remove a tree in the Salem Downtown Historic District or Central Business District shall follow the guidelines in SRC 86.130 (c) and must include:

- (1) A site plan, drawn to scale, which includes the following information
  - (A) The location, species, and size of the existing tree(s) to be removed or relocated;
  - (B) The location, species and size of tree(s) to be planted;
  - (C) The location of any underground utilities that may be impacted; and
  - (D) Elevations for any building(s) which may be impacted by the tree planting or removal.
- (2) Photographs of the site.” (see attached).

The exiting trees in front of the building are thirty-five feet tall and thirty feet wide. The literature indicates that the Japanese Zelkova will grow forty feet tall and thirty feet wide. When the original streetscape design was presented to the public in 1974, the artist rendering illustrated that the “mature” trees would complement the buildings and not obscure them. These trees have out grown their design expectations and obscure portions of the building façade. The trees appear to be in reasonable vigor, with some small deadwood. The growth rate appears to have reached a plateau, with limited foreseeable growth in height and width. These trees are approximately thirty-six years old, with an average diameter of 20 – inches and forty feet in height and width. The City has reconstructed the curb along State Street. The work has been done with limited disturbance to the trees. However, there are still two noticeable cracks in the sidewalk panels. The City has not finished the repairs to the sidewalk; this will be done in conjunction with street repaving. The following summarizes Mr. Hammes’ concerns and comments from City staff.

<b>Mr. Hammes’ Stated Concerns</b>	<b>Staff Comments</b>
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1. The trees are so large they obscure the vision of the of the Ladd & Bush branch. The building is a "historic contributing" property.	The trees have grown beyond their anticipated design. Limbs prevent an unobstructive view of the façade.
2. The roots contributed to cracking and deterioration of the sidewalk. . .	The trees have contributed to the cracking of the sidewalk.
3. The roots from these trees are invasive to storm lines from the building.	There is the possibility that roots have grown into the storm drains from this building.
4. The leaves from these trees regularly clog storm drains in the street creating maintenance issue for the city.	If the leaves are not removed from the streets they will clog storm drains.

**CONCLUSION:**

There are negative factors attributed to the trees such as leaf fall with its issues of clogged drains and puddled water. In addition, the façade is obscured by the crown of the trees. However, the trees provide shade and beauty to the downtown environment.

**RECOMMENDATION-- City of Salem Staff:**

1. Staff recommends that the trees not be removed.
2. An alternative solution would be to remove the second and forth trees to open the canopy to allow greater view of the façade and reduce the leaf litter related problems.

**RECOMMENDATION—Shade Tree Advisory Committee:**

The Shade Tree Advisory Committee has voted to recommend that City staff, over the next few years, prune the five trees on State Street to open up views to the façade of the Ladd and Bush Building.

- Denied  
 Approved  
 Approved, subject to the following conditions:

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Signature

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Date

**Attachments:**

- Petition submitted by Mr. Hammes dated July 10, 2012
- Photographs of the Tree submitted by Staff.

cc: File