

Urban Tree and Edible Landscape Subcommittee  
12/13/14 Draft Report

Councilmembers Shaffer and Kranz, serving as the City Council subcommittee on urban trees and edible landscape met **X** times. Subcommittee meetings were well attended by City staff and members of the public. The two areas of focus were the City's urban forest, including implementation of current urban forest policy and manual, and opportunities to plant fruit trees and other edible landscape on land owned by the City in partnerships that would take responsibility for maintenance, harvest, and distribution of the fruit at no additional impact to the City.

Key findings, options, and recommendations are below.

**Allocation of staff and funding**

The subcommittee found disparities between the staffing, funding, and responsibilities related to urban forest management. The Public Works Department oversees 9600 street trees with a budget of \$150,000. All PW trees are in the City's database (CityWorks) and GIS. There is a five-year cycle to maintain trees, based on geographic sectors of community. Public Works uses one main contractor (currently West Coast Arborists).

The Parks & Recreation Department oversees about 2700 trees with a budget \$75,000 from the General Fund and \$113,000 from a special fund. There is a two-year backlog in entering trees into database. Maintenance is performed on an as-needed basis through multiple contractors. The subcommittee noted that maintenance costs can be higher for park trees than street trees due to access – many not accessible by truck and “bucket.” However, it was not clear why there was such a difference between funding levels and numbers of trees for which each department is responsible.

The subcommittee recommends that someone be designated as the City Arborist, with overall responsibility for the City's trees. With a qualified urban forester, this position would coordinate across departments, interact with the public, oversee tree maintenance contracts, and advise the Planning Department and Planning Commission as needed on tree-related issues. We would expect the City Manager to find a way to create this position through realigning existing positions without adding FTEs or additional personnel. The person may have other responsibilities in addition to being the chief arborist, but his/her position would be held accountable for the overall health of the City's trees.

RECOMMENDATION 1: Establish the position of City Arborist and fill it with a qualified urban forester through reallocation of existing staff and FTEs.

RECOMMENDATION 2: Funding allocations should be reviewed and potentially realigned in proportion to the tree-related workload.

RECOMMENDATION 3: The City Arborist should lead the effort to update/revise the City's urban forest management policy and the urban forest management manual in a timely manner.

**Tree Maintenance**

The City's maintenance program for street trees is constrained by available funding and the structure of the City's contracts. Having the same contractor responsible for identifying pruning needs and being paid based on how many trees are pruned sets up conflicting incentives. The subcommittee recommends that the City investigate other contracting models, such as having separate contracts for monitoring and assessment (fixed price), and for pruning and other maintenance. We also recommend that maintenance schedules be more species-specific, recognizing that palm trees require annual pruning while other species can be treated on a longer time schedule.

**RECOMMENDATION 4:** Consider a different contracting model to align incentives with better tree maintenance by separating monitoring from performance of needed pruning and related tasks. Allow for more species-specific timetables for maintenance.

### **GIS/Tree Database**

The existing database of street trees for which the City takes responsibility is the reference point for staff in determining whether or not to take action. There are no clear criteria for what is in the database nor established quality control procedures. Staff provides updates when a tree is added or removed, but the baseline information has never been comprehensively reviewed. There are trees in public rights-of-way that the City does not maintain, and others that it does, and a lack of clarity on why. The West Coast Arborist contract requires that data be provided semiannually to update the database, but other contractors providing maintenance through Parks and Recreation do not provide comparable information.

City staff differentiates between City-maintained trees, for which we should have detailed information in the City's GIS, and trees in City-owned open spaces, which are not actively maintained by the City. In addition, there are "orphan trees" that are in the public right-of-way but were not planted by the City and have no other third party responsible for them. (Sometimes HOAs or residents take responsibility for plantings in the right of way, but "orphan trees" refers to those trees that have no identified responsible entity.) There is the potential for liability for damage done by orphan trees, and the Subcommittee recommends that the City be pro-active in ensuring that any trees in public spaces are accounted for and maintained as a risk management responsibility of the City. For this reason, the Subcommittee recommends that ALL trees in public rights-of-way be included in the GIS, but not necessarily at the same level of detail. Trees for which there is an identified third party should just be tagged as such in the database; trees with no other "owner" should be accepted as City responsibilities.

**RECOMMENDATION 5:** All trees in the public right-of-way, whether currently City-maintained or not, should be reflected in the City's GIS, as should all City trees in non-maintained areas. For trees in public parks and rights-of-way, the requirement to document the tree location and health should be included in all City tree maintenance contracts. Contractors should be required to provide qualitative information about tree health as well as location and maintenance schedule for the database. For trees in public open spaces and other locations that are not actively maintained, the City should endeavor to document their location and number, as well as any other readily-available information.

## **City Policy, Urban Forest Management Program and Ordinance**

City Council Policy C027 and the Urban Forest Management Program (UFMP) were developed following the controversial removal of trees from Orpheus Park in 2009. As part of this, the city also applied to obtain official “Tree City USA” designation through the Arbor Day Foundation, which included these requirements:

Communities achieve Tree City USA status by meeting four core standards of sound urban forestry management: maintaining a tree board or department, having a community tree ordinance, spending at least \$2 per capita on urban forestry and celebrating Arbor Day.

The Municipal Tree Ordinance was adopted in 2011 (Chapter 15.02 of the city’s ordinances) to satisfy the requirement to have an ordinance in order to be designated a Tree City USA. In the International Society of Arboriculture’s *Guidelines for Developing and Evaluating Tree Ordinances* publication (2001), they put tree ordinances into three basic categories: Street Tree, Tree Protection and View.

The Subcommittee considers the City’s ordinance to be a very sparse version of a Street Tree ordinance, leaving many of the City’s urban forest provisions without any enforcement or appeal mechanisms. For example, in our review of the policies and ordinance regarding trees at existing properties and in new developments, the maintenance of significant mature trees in new residential or commercial developments is encouraged. The interpretation of this policy is done by staff and in some cases, the Planning Commission.

The Subcommittee recommends that the Council direct the Environmental and/or Planning Commissions to consider whether more specific policy or a modified ordinance is needed to address tradeoffs when private development or public facilities (e.g., trails) calls for removal of existing trees. Some of these questions to consider include, but are not limited to:

- When should a developer be required to relocate a driveway or other feature to avoid removing a City tree in a right-of-way, or is it adequate to require replacement of the tree?
- Is there an economic threshold for preserving an existing tree?
- If replacement is required, does new tree have to be equivalent to what is removed in terms of value (size) or can it be a smaller, less valuable specimen. In other words, what should our **conditions for approval** be for tree removal?
- Should there be an appeal process for tree removal?
- How do we dispose of removed trees – many have value for furniture, art, etc.

RECOMMENDATION 6: The Subcommittee recommends that the Council consider whether a revised ordinance, which does more to protect trees, should be enacted, and give direction to staff to clarify or expand policy or ordinance to reflect Council direction, including obtaining public input and review by the Planning Commission where appropriate.

## **Public Information and Outreach**

The subcommittee found that additional public outreach and education would be beneficial for the community. The following are possible areas for additional communications efforts:

- Heritage trees – information not on City website
- Values and education – how to express City commitment to trees; educate public on policies and on good tree choices and care
- Provide more information on tree removal notices – why tree is being removed, possible link back to City website (QR code?)
- Definitions and explanation of responsibility for trees based on where they are located

RECOMMENDATION 7: The City should provide more information on the urban forest and links to expert information on trees more broadly. The **Treefinder App** was demonstrated and should be continued and enhanced as a very useful tool. Specific information should be posted at the site and on line when a tree is being removed.

### **Edible Fruit Trees**

The Subcommittee heard descriptions of the types of trees allowable in public plantings and in landscape plans that have to be approved for new developments. The Subcommittee recommends that the City consider explicitly including fruit trees in the acceptable list for public spaces and write policy that makes it ok for anyone to pick fruit from such trees and consume it (at their own risk etc. with appropriate legal language). It was pointed out that virtually all trees drop leaves and fruit and seeds and require some maintenance – palm fronds, pine needles, etc. so there was no compelling reason why fruit trees should be banned. It appears there is no actual prohibition on planting fruit trees, but they are not included in the list of what is allowed. We noted that fruit trees do require different maintenance than non-fruit trees and this may require modification to the City's contracted maintenance arrangements.

RECOMMENDATION 8: The City should consult with experts and bring back a proposed list of climate-appropriate edible fruit trees and any associated conditions for their planting for the list of allowable species.

A demonstration project was proposed for the Encinitas Library grounds along D Street, to replace and/or augment existing landscaping with edible plantings. If a detailed proposal is developed, describing the benefits of this project, potential impacts on current City landscape operations, and implementation plans, the City should seriously consider it. If feasible, establish at least one pilot project to evaluate the viability of using fruit trees and other edible plants in public landscape.

RECOMMENDATION 9: The Council should direct staff to work collaboratively with community groups that want to develop a proposal for a pilot project to plant fruit trees and other edible plants on public property and for Council consideration.

RECOMMENDATION 10: The City Manager should be directed to bring back to Council within a month a timeline for completion of the recommended actions.