

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Sidewalks and Trees

Meeting Date: May 21, 2014
Department: Public Works
www.eugene-or.gov

Agenda Item Number: A
Staff Contact: Eric Johnson; Mark Snyder
Contact Telephone Number: 541-682-4904; 541-682-4819

ISSUE STATEMENT

This work session provides an opportunity for the council to review City policies related to sidewalks and street trees. The discussion will focus on the assignment of responsibility for maintaining safe sidewalks damaged by street trees.

BACKGROUND

Eugene's public improvements code helps create and protect safety and improves the quality of life in Eugene. Tree regulations in the environment and health code help develop and preserve a sustainable system of trees in Eugene. Safe, clean and hazard-free sidewalks play an important role in supporting mobility and livability. Sidewalks form the network that connects the community's neighborhoods. Likewise, street trees play a critical role in contributing to healthy, attractive, and prosperous neighborhood environments.

Standards for sidewalk maintenance in Eugene are similar to regulatory programs found in other jurisdictions, where the adjacent property owner is responsible for the maintenance and repair of adjacent sidewalks and is assigned liability for any damages resulting from the failure to do so. Approximately 750 miles of sidewalks are included in the transportation system. Over 54,000 street trees can be found in developed street systems with an estimated appraised value of over \$120 million. Annually, the sidewalk inspection program sends out approximately 250 non-compliance notices for sidewalk safety issues, of which approximately 65 percent are tree related.

Current code requires planting street trees in new developments. These regulations list species of trees that can be planted in various locations and planter strip soil types and widths. Code and Standard Specifications also require protection and preservation of street trees. Typical outcomes when street trees are in conflict with sidewalks include: 1) the tree is removed by the City if it is a hazard tree; 2) the tree is removed by the City if the cutting of roots to create a safe sidewalk results in an unstable tree; 3) the tree is preserved if the sidewalk can be made safe and the repairs can be expected to last five years; 4) the tree can be removed with a no-cost permit by the adjacent property owner if there is currently minor damage to infrastructure, the tree is not on the approved list and is a species likely to continue doing damage at that location. The tree list is currently being updated to remove trees that have proved to be problematic (sweetgums were taken off the list in 2004) and to add species more appropriate for different site types. Many of the

trees causing damage now were planted decades ago, before the list was approved.

RELATED CITY POLICIES

Eugene Code 7.375 - Sidewalks, Curbs and Access Connections: Owner's Responsibility to Maintain: The abutting property owner is responsible for maintaining a safe sidewalk and is liable for any injury or damages caused by failure to do so. The City may serve notice on the owner to repair the adjoining sidewalk as conditions may require.

Eugene Code 7.280 - Street Tree Program - Policy, Standards, and Procedures: In order to create attractive and healthy neighborhood environments, street trees shall be planted and established in accordance with the standards and procedures in this section and the adopted policies of the Urban Forest Management Plan.

Eugene Code 6.300 - 6.330 - Tree Preservation: Requires a permit to remove a street tree and establishes criteria for permit issuance.

City of Eugene Urban Forest Management Plan, 1992

COUNCIL OPTIONS

This matter is before the council as an information and discussion item. No action is required.

CITY MANAGER'S RECOMMENDATION

There is no city manager recommendation.

SUGGESTED MOTION

There is no suggested motion.

ATTACHMENTS

- A. Eugene Code 7.375
- B. Eugene Code 7.280
- C. Eugene Code 6.300 - 6.330
- D. Administrative Order No. 58-10-01-F Fee Schedule for Sidewalk and Driveway Repair

FOR MORE INFORMATION

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