

Takoma Park Tree Policies -- Starter List for October 2019 Work Sessions

This starter list of possible changes to the Takoma Park tree ordinance and permit process, plus initial tree canopy goal proposals, is based on suggestions the City Council has received during this review process. It groups suggestions, by topic and ordinance section, for discussion purposes. The list doesn't represent Council decisions or determinations as to policy direction, but will continue to evolve as issues are added and removed during Council discussions, in advance of any Council votes on these issues. The three October work sessions will be focused the issues in **bold**.

Overview/Goals [\[Work Session #2\]](#)

Reword 12.12.010 Legislative Findings. Possible changes:

- **Tree canopy focus**
- **Sustainability**
- **Climate change**
- **Native tree species**

Definitions (12.04.010)

- Add definition of "ecosystem services" (12.04.010)
- Add definition of "invasive species" (12.04.0100)
- Add definition of "undesirable" (12.04.010)

Clearer and Faster Process and Information [\[Work Session #1\]](#)

- Supply applicants with completed tree rating chart when notified of an UFM decision regarding their tree (improved transparency and clarity)
- Create an online application process and allow for credit-card payment
- **Speed up the process by:**
 - **Allow residents to get signed approval from neighbors to move forward with a tree permit without waiting 15 days**
 - **Change requirement for posting from 15 days to 7 days (12.12.080)**
 - **Set a threshold for permit volume that, when exceeded, triggers contract services to ensure timely service**
 - **Speed up process with two permit tracks—one tree and multiple tracks**
 - **Timeframes for city response to applicants?**

Administrative Code Changes

- Streamline code structure to make it clearer and more concise
- Move procedural elements to administrative regulations when reasonable
- Change all mentions of "citizen" to "resident"
- Change all mentions of "arborist" to "Urban Forest Manager"
- 12.12.090 Authorize the UFM to allow deadline extension beyond a year in instances where preliminary approval is granted for development purposes (hence, there may be an extended timeline)

- 12.12.120 Tree Commission recommends: Authorize the City Attorney, in consultation with the Urban Forest Manager and the Tree Commission, to rewrite criteria for consideration of permit applications for clarification/simplification

Tree Impact Assessment [[Work Session #1](#)]

- Allow for trimming of live branches up to 10% (change from 5%) without an assessment (12.12.030)
- Require that suggestions made by the UFM during assessment be provided in writing
- **Allow for digging up to 6 inches (change from 3 inches) without requiring an assessment or Tree Protection Plan (12.12.030 and 12.12.050)**
 - **Change definition of “critical root zone” (12.04.010 or 12.12.020); consider any differences needed based on species**
- **Allow for paving or other activities impacting up to 10% of critical root zone without assessment**
- **12.12.030 Rewrite TIA section for clarity. Should “significant” be better defined? Mention of safety and climate change added to permit criteria?**
- **Bypass TIA and go to TPP in some cases?**

Tree Protection Plan [[Work Session #1](#)]

- Provide an explanation when possible on why a certain protection measure is required and list other options if applicable (i.e. air spading, hand digging, etc)
- **Allow residents to prepare their own tree protection plans rather than use a third-party arborist**
- **Take into consideration cost and delay as factors in requiring tree protection measures**
- **Allow the UFM the discretion in requiring an independent arborist evaluation for complex plans pursuant to section 12.04.110 (12.12.080)**
- **Impact to trees of emergency work**

Tree Rating Chart [[Work Session #2](#)]

- **Make the tree rating charge more detailed so it is clearer how decisions are made**
- **Modify the replacement chart based on Tree Commission recs (See also: the section on Removal of Trees for additional related discussion)**

Removal of Trees and Hazardous Trees [[Work Session #2](#)]

- **Add requirements to consider the hazardousness of a tree and risk to life and limb when making tree removal permit decisions (12.12.120)**
- **Allow for option to require a statement by a certified arborist that a tree is hazardous with an application to remove a hazardous tree**
- **Allow a waiver for trees assessed to be in decline**
- **Allow a waiver or reduced replanting requirements for trees impacting or about to impact a building**
- **Allow tree removals in some circumstances related to renewable energy generation**
- **Change definition of “hazardous tree” (12.04.010 or 12.12.020)**
- **City liability for trees identified by third-party arborist as “hazardous”?**

- Third party insurance issues on waiver denial

Fees & Funding [\[Work Session #3\]](#)

- Change \$50 Tree Impact Assessment fee to \$25 (12.12.030)
- Tree waivers:
 - Set average application fee at \$40 for tree waiver (12.12.050); incorporate tree waiver into removal permit requirements
 - Remove the tree waiver (\$25) by not requiring a permit in certain instances instead of providing a waiver
- Expand uses of the Tree Emergency Fund to include payment for tree replacements when removing a tree in decline for residents in need
- Increase “fee in lieu” to reflect actual cost of replacement, including deer protection and water/maintenance for the first two years post-planting
- Eliminate the option of requiring security deposits (12.12.100 section F 1-4)
- One permit/waiver application and one fee (Tree commission?)

Appeals [\[Work Session #1\]](#)

- Eliminate the option of having the Tree Commission conduct a site visit to a property in connection with an appeal (12.12.080)
- Eliminate the right of neighbors to appeal the UFM’s decision to grant a Tree Protection Permit
- Remove the right of appeal for trees in declining health on private property, or limit it to property adjacency or if the appellant’s property is potentially affected (12.12.080)
- When should appeals be allowed, and why?
- Appeals related to granting or denial of a waiver
- 12.04.080 Clarify City Manager’s role and permitting process for trees on City property

Replanting Requirements [\[Work Session #2\]](#)

- UFM reviews the list of invasive and preferred trees with input from Tree Comm, CoE, public
- “Undesirable” vs “invasive” definitions (12.12.080)
- Create system for petitioning to make changes to the invasive species and preferred trees list
- Clarify native vs non-native species
- Include species adapted for climate change and/or carbon absorption
- Shorter trees near power lines and other locations
- Allow trees not purchased from a nursery
- Incentives for replanting on property vs payment in lieu (esp multi-family buildings)
- Allow replacement trees that are not the same type as those removed
- Staff rec’s to adjust replanting requirements in other ways

Pre-Planting Program & Incentives [\[Work Session #3\]](#)

- Incentives to preserve volunteer/small trees based on land preservation, and allow trees not purchased from nurseries
- Change requirements for registering a tree
- Provide credits for tree maintenance

- **Provide credits for caring for City trees**
- **Rebate program to help pay for any positive canopy support (new plantings, maintenance, eventual removals)**

Urban Forest Manager (UFM) Role, Outreach & Reporting [[Work Session #3](#)]

- **Include education and outreach in overall planning**
- **Require that annual reports include info on known damage to trees and causes**
- **Retain replanting plan and modify inventory to once every 5 years concurrent with canopy assessment (12.12.140)**
- **Regular evaluation of the process, policy, and planting requirements (publicly available)**
- **Outreach efforts:**
 - **Presentations to each ward on tree care and maintenance**
 - **Best-practices flyer, newsletter articles, website info**
 - **Outside expert presentations**
 - **Outreach with realtors**
- **Create duties for the UFM that promote tree canopy growth and tree maintenance:**
- **Proactively recommend removal of potentially hazardous trees**
- **Assist with neighborhood planning efforts to adjust/improve canopy**
- **Support and assist public land owners**
- **Develop incentives and programs to encourage canopy and focus on climate change**
- **Seek opportunities for cost-sharing and collaboration with Sustainability programs**
- **Staff capacity to manage existing and potentially new canopy/outreach efforts**
- **Explore opportunities for increased vendor engagement and enforcement (Tree Comm recommendation); biannual “certification workshops.”**
- **Actions to prevent future infestations**

Miscellaneous Suggestions

- Yearly meeting in the spirit of the Green Team Meeting (or as part of it?) with Tree Commission, UFM, City Manager, and Council to discuss goals and progress
- Explore opportunities for increased vendor engagement and enforcement (Tree Comm recommendation); biannual “certification workshops”

Tree Canopy Goals [[Work Session #2](#)]

In addition to the related elements listed above (including incentives to maintain trees, etc.):

- **Base policy goal of “no net loss” of canopy**
 - **Develop plan for no net loss at next 5-year lidar review**
 - **Compile data on types of trees lost through permits, waivers, storms, etc.**
 - **Info about smaller trees that don’t show up on lidar**
 - **Consider annual survey?**
- **Realistic target for canopy increase (X percentage in Y number of years) – consider areas of City with less canopy, budget, racial equity, appropriate species, etc.**
- **Incentives to plant trees on private property (single-family, multi-family, and businesses)**

- Maintenance information and outreach
- Appropriate species (native, climate-change adapted, etc.?)
- Improvements to ROW/street planting guidelines (species, responsibility of residents)
- Tree Fund growth and use (including donations), city tree planting efforts
- Proactive efforts to remove invasive species harmful to trees (including partnering with volunteer and community groups)
- Diversity of species