

TREE ORDINANCE, CANOPY, & OUTREACH

Takoma Park City Council

Fall 2019

Overview

- Tree Ordinance – Tree Canopy – Outreach & Education
- Three work sessions: Oct. 16, 23, 30
 - Different topics discussed in each session
- Nov. 13 work session (tentative)
- January 2020 work session (tentative)
- Vote in February 2020 (tentative)

October Work Session Topics

- Work Session 1:
 - Clearer & Faster Process and Information
 - Tree Impact Assessment
 - Tree Protection Plan
 - Appeals
- Work Session 2:
 - Hazardous Trees and Removal of Trees
 - Tree Rating Chart and Replanting Requirements
 - Tree Canopy Goals
- Work Session 3:
 - Pre-planting Programs & Incentives
 - Urban Forest Manager Role, Education & Outreach
 - Fees & Funding
 - Miscellaneous

Discussion Items: Work Session #2

- Hazardous Trees
- Tree Removal Permits
- Replanting Requirements:
 - Tree Rating Chart, Replacement Formula, Replacement Species
- Tree Canopy Goals

Hazardous Trees

- **When is a tree hazardous (waiver)?** (12.04.010 and 12.12.060)
 - Tree Comm rec: Allow trees in active decline
 - Staff rec: Allow active decline up to 1-3 years
 - Staff rec: Clarify that entire tree is hazard, that cannot be corrected
 - Explicitly require decision to consider risk to life and property?
 - Allow application statement by an outside arborist?
- **Current definition:** defective, diseased or dead, and risk of failure with potential injury or damage
- **Current criteria:** the tree is dead or hazardous
- **Current waivers:** no replanting requirements, no public notice, no appeals

Removal of Trees with Permit

- Accept Tree Commission rec to revise the **current 9 criteria?** 12.12.120
- Use criteria primarily for **appeals?** (Staff rec)
- **Add any criteria?**
 - Risk that tree is or could be hazardous, or a risk to life and structures (Staff: already built into decision)
 - Benefits to removal for renewable energy generation
 - Risk from future climate-related weather

Current Tree Removal Permit Criteria

- Need of removal for proposed development, and effects of a tree protection plan
- Number and type of replacement trees and reforestation plan
- Hardship the applicant may suffer
- Desirability of preserving tree due to its age, size, outstanding quality
- Extent of environmental degradation from tree removal
- Impact of reduced tree cover on property, adjacent properties, and neighborhood
- General health and condition of the tree
- Desirability of the tree species as part of the urban forest.
- Placement of tree relative to utilities, structures and uses

Tree Rating

- **Modify the tree rating chart ?**

- Tree Comm and staff rec: add factors (site, target) and lower scores for life expectancy
- More detail for clarity? (City attorney rec) In ordinance or regulation?
- Waiver or reduced replanting requirements for trees impacting or about to impact a building?
- Add more safety issues and more range of active decline?

Current chart: 6 factors, 5 point scale, tree health and size

Replanting Requirements

- Modify the **replacement formula** or language?

Tree Comm rec: increase replanting requirements for medium and high rated trees

Current formula: based on tree rating of health and size, 6 points or less no replacement, less replacement for trees in active decline, assume replacement in 25 years

Current list: by height category, encourages like for like replacement, includes native and non-natives

Replanting Requirements

- Modify the **recommendations for replacement species?**
- Tree Comm rec: staff review current list with input
- CoE rec: revise list for ecological health, biodiversity, climate adaptation
- Resident recs: revise list to encourage native species, create petition system to change list

Allow tree replanting of:

- shorter trees near power lines and other locations?
- trees not purchased from a nursery?
- trees that are not the same type as those removed?
- shorter trees near homes for solar potential?

Tree Canopy Goals

- **Establish overarching strategic goals?**
 - Set a base policy goal of “no net loss” of canopy citywide
 - Focus on canopy or add other goals
 - Aim for increased biological diversity of species, age, size
 - Target areas or neighborhoods with less canopy? Types of species?
- **Encourage what types of tree species?**
 - Native v. non-native?
 - Non-invasive? (currently, undesirable) (12.12.080)
 - Climate change adapted, high in carbon absorption?

How to measure and implement goals?

Tree Comm recs: numeric goals and on-ground inventory

Tree Canopy Goals

- **Current implied canopy goals:** protect, preserve and promote the urban forest; focus on canopy, replace within 25 years
- **Tree canopy assessment recs:** 60% is robust for this area; preserving existing canopy is critical; residents hold the key; continue mapping and inventory
- **Tree Comm rec's:**
 - Numeric goals
 - Community ownership of goals
 - Strategic goals with concrete action steps
- **COE rec's:** vision statement emphasizing ecosystem services, climate mitigation & resiliency, and biodiversity; target increases in underserved neighborhoods

WORK SESSION #1

Discussion Items

Oct. 16, 2019

- Clearer & Faster Process and Information
- Tree Impact Assessment
- Tree Protection Plan
- Appeals

Clearer & Faster Process

- Some adjustments already being made by city staff
- Consider two applicant tracks—for one tree, and for multiple trees?
- Adjust 15-day waiting period?
 - Reduce to 7 days in all cases?
 - Or adjust only if all neighbors agree in writing?
- Add time frame for City response to applicants?

Tree Impact Assessment (12.12.030)

- What triggers an assessment?
 - Digging depth of 6 inches instead of current 3 inches?
 - Activity on 10% or more of critical root zone (no % now)?
 - For an activity within critical root zone, not within 50 feet of, tree
 - Define “significant” portion – as 10% or more of roots that may be destroyed
- Critical root zone: smaller root zone? More clear definition?
- Bypass Tree Impact Assessment and simply require Tree Protection Plan in cases where it's clear a Tree Protection Plan will be required?
- Previously discussed: consider branch trimming of 10% not 5%

Tree Protection Plan (12.12.040-080)

- Preparation of Tree Protection Plan:
 - Allow residents to prepare their own TPP in some cases
 - Allow UFM to require independent evaluation for complex plans? (12.04.110)
- Balance cost and delay with required tree protection measures?
- How to address impact on trees of utility and other emergency work?
- Authorize the City Attorney (with UFM and Tree Commission) to rewrite criteria for tree permit decisions to clarify/simplify (12.12.120)?
- Add safety, or climate change, to criteria for permit decisions?

Appeals (12.12.110)

- When should appeals be allowed, and why?
- Appeals of neighbors for a Tree Protection Plan that's been granted (eliminate?)
- Appeals related to a tree-removal permit for trees in declining health (eliminate? reduce to affected property owners only?)
- Appeals related to granting or denial of a tree removal waiver