



Takoma Park City Council Meeting – February 12, 2020 Agenda Item 3

Work Session

Discussion of Draft Language on Potential Changes to the Tree Ordinance and Discussion of Proposed Resolution on Overarching Goals for Tree Canopy and Urban Forest Policies

Recommended Council Action

Discuss revised draft language on proposed potential changes to the Tree Ordinance, which are based on the Council's discussions at previous work sessions and recommendations of City staff and the Tree Commission.

Discuss draft resolution on Principles and Overarching Goals for Tree Canopy and Urban Forest Policies.

Context with Key Issues

The City Council has requested that the City Attorney and City staff revise the draft language on potential changes to the Tree Ordinance, based on the Council discussions at a series of previous work sessions, as well as further input from the Urban Forest Manager and the Tree Commission.

The Council will consider the Tree Ordinance draft language within the context of its larger discussion about tree canopy goals and strategies. The Council has discussed moving from primarily a focus on regulating the removal of individual trees to a broader focus on urban forest protection, and establishing overarching strategic goals of no net loss, more attention to biodiversity and native species, and seeking to address inequities in the distribution of trees throughout the city, among other things. Thus, in addition to discussing proposed changes to the Tree Ordinance, the Council will discuss a resolution on Principles and Overarching Goals for Tree Canopy and Urban Forest Policies.

The draft language on proposed potential changes to the Tree Ordinance was developed by the City Attorney based on Council's previous discussions. The draft language also includes proposed changes that were made based on input from the Tree Commission and City staff after the Council's last work session on this topic. During this work session, Council will review the draft language, discuss changes, and ask for further information or revisions as needed.

Council Priority

Environmentally Sustainable Community, Engaged, Responsive & Service-oriented Government

Environmental Considerations

The Tree Ordinance establishes the protection and preservation of trees as a fundamental goal in the City. As noted in the Takoma Park Tree Canopy Assessment, "Trees provide many benefits to communities, such as improving water quality, reducing stormwater runoff, lowering summer temperatures, reducing energy use in buildings, removing air pollution, enhancing property values, improving human health, providing wildlife habitat, and aesthetic benefits."

In light of the ongoing concerns about climate change -- which the Council recognized formally through its adoption of a resolution declaring a climate emergency -- taking thoughtful action to

develop tree canopy goals and ensuring that the tree ordinance functions well take on added importance. Additionally, challenges such as the current die-off affecting many oaks in the City -- which is having a negative effect on older trees that contribute significantly to carbon sequestration (among other benefits) -- underline the need to ensure that we have in place policies that can give our trees the necessary resilience to cope with changing weather patterns, harmful pests, and other threats.

Fiscal Considerations

The FY20 Budget for the Urban Forest Division is \$267,330, including staff, consultant services, tree purchases and services. Substantial changes to the ordinance administration or requirements may require a change in the funding level in order to be accomplished.

The cost of tree maintenance for an individual property owner is ongoing and similar to other ongoing home maintenance expenses. Energy savings and increased property values may offset or exceed these costs.

The costs of complying with the Tree Ordinance can be substantial when a construction project is proposed, when a property owner wishes to remove a tree that is not dead or imminently hazardous, or when trees suddenly decline. The City's tree emergency fund is available for residents with financial need who must remove hazardous trees. Increasing tree replanting requirements would require additional expenses for property owners. Reducing the tree replacement requirement for City property owners would require additional City funding in order to maintain the City's tree canopy level.

Racial Equity Considerations

Tree canopy is not spread equally across the City of Takoma Park and the costs and benefits of tree canopy vary by location and type of property, which can have a race equity component. In addition, heavier tree canopy coverage in residential areas has generally been found in areas with a higher percentage of single family homes as opposed to multi-family residences.

75% of the respondents to the Tree Ordinance Survey were residents of Wards 1, 2, and 3. These three wards are majority white and have fewer multifamily properties than do Wards 4, 5, and 6.

Attachments and Links

- Additional Information – Context with Key Issues
- Draft Resolution on Principles and Overarching Goals for Tree Canopy and Urban Forest Policies
- Redlined Proposed Amendments to the Tree Ordinance
- Clean Text of Proposed Amendments to Tree Ordinance
- (online only) Comparison of Proposal Discussed at November 13 Work Session and Proposal for February 12 Work Session

February 12, 2020 – Agenda Item 3

Additional Information – Context and Key Issues

The draft language for potential changes to the Tree Ordinance includes a number of changes to the ordinance, including:

- Reorganization of information, particularly relating to permits, for ease of understanding
- Formalized and bolstered requirements for removal and protection of trees on City property
- A new provision allowing the City Manager to make regulations requiring certification of proper disposal of infested trees to reduce the risk of infestation
- A more detailed explanation of what a tree impact assessment is (12.12.030A)
- New requirements for protection of trees in emergency situations (12.12.030B(2) and 12.12.040B)
- Removing specific fee amounts and moving to administrative regulations
- Granting the authority to the City to require that a licensed professional prepare a Tree Protection Plan in complicated cases (12.12.040C)
- Removing the concept of waivers and requiring permits for all tree removals
- Eliminating the option to appeal the removal of trees that are in imminent decline due to significant defect or infestation, or when a part of a tree is damaging a permanent structure, and requiring posting of notice of the tree removal permit in those cases (12.12.080A3)
- Changing the option to appeal a Tree Protection Plan from residents with shared property lines to residents who have a tree that may be substantially impacted by the proposed activity, with a 15-day notice requirement (12.12.085E(2))
- Adding a requirement that residents who replant themselves (rather than pay the fee in lieu) must provide certification of the planting and a photograph within 6 months (12.12.090A1)
- Increasing the tree replanting “fee in lieu” to include two years of maintenance (to ensure that the fee covers the City’s actual cost of tree planting and create a financial incentive for residents to replant rather than pay the fee) (12.12.100E)
- A definition of what the tree fund can be used for to broaden its use and allow for more activities to support the tree canopy (12.12.100G)
- Increasing the amount of a tree that can be pruned without requiring a Tree Impact Assessment from 5% to 10% (12.12.130A1(f))

The following changes to the Tree Ordinance will be presented to the Council for consideration, based on the recommendations of the Tree Commission and/or City staff:

- Changes to the legislative findings section (12.12.010)
- Rewriting of the tree removal permit criteria (12.12.080)
- Removal of the exemption of replanting requirements for hazardous trees (12.12.100B)
- Changes to the rating chart used for identifying replacement planting requirements, including clarification and conceptual changes to align with industry standards, and the removal of the “life expectancy” category (12.12.100C)
- Changes to the replacement requirement amounts, including adding a replanting requirement of at least one tree for any tree removed (including declining or hazardous trees), increasing the replanting requirement percentages for trees that rate higher on

the replacement planting requirements chart, and reducing the tree replacement requirements (in relation to the requirements for other trees) for trees that must be removed because they are damaging a structure (12.12.100D)

- Changes to the definition of the Urban Forest Manager role (12.12.140)

The Council identified goals of reviewing the Tree Ordinance and exploring ways to improve community outreach and education on tree matters in its FY19 and FY20 City Council Priorities. A work session was held October 24, 2018, to establish a strategy for moving the effort forward. In spring 2019, the City hosted a public workshop on results of a citywide tree canopy assessment by the University of Vermont, and the Council sought and received resident comments and suggestions on the Tree Ordinance through an online survey (with more than 500 responses). The Council also received input from individuals and groups of residents, public and written comments at Council meetings, and neighborhood meetings.

A work session was held June 19, 2019, with the City's Urban Forest Manager and Public Works Director to provide an overview of the current Tree Ordinance process, present the tree canopy assessment, and share results of the online Tree Ordinance survey. The Council held a joint work session with the Committee on the Environment and the Tree Commission on July 22, 2019, to discuss their recommendations for changes to the Tree Ordinance and development of tree canopy goals and strategies. The Tree Commission and Committee on the Environment have provided several recommendations to the Council.

The Council held a work session September 11, 2019, to review a "starter list" of suggestions for action on the Tree Ordinance. Council directed the City Attorney and City staff to begin drafting amended language for consideration based on a few items on the "starter list." Three work sessions were then held October 16, 23, and 30, 2019, to discuss elements on the "starter list" in depth. During these discussions, Council provided some initial thoughts and direction to the City Attorney and City staff to work on drafting amended Tree Ordinance language for future review, working with the Tree Commission. A work session was held on November 13, 2019, to discuss initial draft language the City Attorney proposed to the Tree Ordinance.

Concurrently with considering the Tree Ordinance changes, the Council has been working on a broader approach to tree canopy protection and maintenance and will continue to pursue development of a strategy to achieve these goals.