



Takoma Park City Council Meeting – July 29, 2020 Agenda Item 6

Voting Session

Second Reading Ordinance Amending Takoma Park Code, Title 12, Trees And Vegetation: Ch. 12.04 General Provisions, Ch. 12.08 Prohibitions On Maintaining Undesirable Vegetation, and Ch. 12.12 Urban Forest

Recommended Council Action

Consider and vote on the Ordinance at second reading.

Context with Key Issues

The City Council has been reviewing the Tree Ordinance over the past two years, with leadership on the review effort being provided by an informal working group of Councilmembers Dyballa, Kostiuk and Kovar.

Based on Council vote and consensus discussion on July 22nd, the following changes were made and are proposed:

Section 12.12.050.

Ms. Braithwaite requested a change to (B)(1) and new language has been added based on her discussions with the City Attorney for Council review and approval.

Section 12.12.080.

Approved language regarding 10 or more trees was inserted to address large tree removals in (A) and (A)(3). Consensus language regarding permanent structures was inserted and new (A)(1)(e) was created. Consensus language regarding applicants for tree removal permits receiving a written explanation for denial was added. Language regarding a tree being in imminent decline was removed, with the approval of Council.

12.12.100.

In (A)(2), a cross-reference was added to alert the reader to the heightened replacement requirements when a tree protection plan is violated. An amendment was discussed regarding rounding, but it is still under consideration in (C). In (D), subparagraphs 1 and 2 were updated to reflect the replacement values decided upon by Council and the replacement values were placed in the chart. Additionally, due to the nature of the new replacement values (not all of which are percentages), it is suggested that the title of the chart be changed. A new title has been proposed.

12.12.140.

Consensus language was added at the end of the sentence in (B)(4): "or to help meet tree canopy goals." Consensus language was added in (D): "Maintain and publicize a species list

Miscellaneous.

In order to correct language regarding the tree fund which had been incorrectly identified in some places as the "tree canopy fund," a word search was performed for "fund" and three changes were made deleting the word "canopy."

Staff is requesting that the effective date be 90 days after enactment and an amendment to that effect is attached.

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 of 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." Trees also offer climate mitigation and resilience benefits. The recent tree canopy assessment estimates about 60% tree canopy in the city on average, well above many neighboring communities.

In light of ongoing concerns about climate change -- which the Council recognized formally through its adoption of a resolution declaring a climate emergency and adoption of a climate emergency response framework in March 2020 -- 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 recent 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 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 property owners would require additional City funding in order to maintain the City's tree canopy level.

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. Removal costs for individual property owners can be expensive and in some cases, unexpected. Trees can sometimes damage pipes or building structures.

Racial Equity Considerations

Tree canopy is not spread equally throughout the City of Takoma Park and varies by location and type of property and land use. 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. The 2018 analysis of tree canopy in Takoma Park showed less tree canopy in Wards 4 and 6 than in other wards, with Ward 6 having significantly less than all other wards. Wards 4 and 6 also have greater amounts of large multi-family and/or commercial properties and parking lots. Wards 4, 5, and 6 have the highest percentages of people of color in the City.

Research at the national level has found racial inequities in the distribution of tree canopy. Neighborhoods with lower incomes and high percentages of people of color have been found to have hotter temperatures and fewer trees. Racial inequities have been found in tree cover on public land.

Extra heat can have dangerous and even deadly health consequences, and it costs more to cool a hotter home. Low-income neighborhoods and communities of color generally experience higher levels of air pollution. The presence of trees can provide economic boosts through raising property values and boosting retail sales. These and other benefits should be considered alongside some potential negative impacts of tree cover, such as allergies and asthma and the costs of maintenance, removal, and replanting requirements.

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
- Second Reading Ordinance
- Proposed Staff Amendment to address the effective date.