

To: Takoma Park City Council
From: Takoma Park Tree Commission
Date: January 17, 2020
Subject: Additional Tree Ordinance Input for Council Consideration

The Takoma Park Tree Commission met on January 7 and January 14 with City Attorney Ken Sigman and Public Works employees Daryl Braithwaite and Jan Van Zutphen to review the Tree Ordinance draft. This draft was delivered to Council in advance of the February 5 work session. During the course of the dialogue at the two meetings, several of the Tree Commission recommendations were incorporated into the draft for review by the Council. The Tree Commission requested that a number of the member comments be included in the margins to provide a snapshot of the conversation on specific sections within the ordinance.

However, the Tree Commission, at the request of City Council, provide these recommendations in addition to those included on the draft revised ordinance. These are items those who attended the two Tree Commission work sessions agreed would require further vetting by Council. These points are listed below with a short explanation to provide context.

These recommendations include:

1. Removal of ecosystem services from the definitions and the Legislative findings section (12.12.10). The Tree Commission is not opposed or contesting the potential that ecosystem services present or the function that trees provided to communities. However, quantification of these services proves elusive and presents a challenge when articulating the value of these services to residents. This concept was also not a factor in commission deliberations on potential changes to the tree ordinance.
2. Changing the language in the Legislative Findings (12.12.10) from, "planting new trees of diverse native species are adaptable to the impacts of climate change" to "planting a diversity of new native and/or large canopy tree species with consideration of the impacts of climate change". This recommendation is to provide necessary discretion to plant or recommend planting a tree species or variety that is appropriate for the planting space to follow the "right tree, right place" direction followed by many municipalities across the country.
https://healthytreeshealthycitiesapp.org/docs/BMP_Right%20Tree%20Right%20Place.pdf.
3. Striking language in 12.12.100 explaining when a replacement is not required. The Tree Commission recommends requiring one replacement tree for every tree removed, waiver or not.
4. Eliminating "Life Expectancy" from the rating sheet that dictates the replanting requirement. The Tree Commission is amenable to featuring 5 categories and is sympathetic to the potential imbalance that a poor rating in one category may have causing undue impact on the replacements required. However, the commission does not see the relevance of life expectancy to determining a replacement requirement. There is also consensus that "life expectancy" is a qualitative assessment that can seem arbitrary and difficult to defend.
5. A recommendation for a tree replacement requirement chart that does not include basal area calculation and is much easier to understand for all involved with a specific number of trees required in each category. However, accomplishing this task is more difficult than it may seem. In the absence of a satisfactory recommendation with a number of replacement trees assigned to each category, the commission recommends one for one replacement for all trees in the lowest category

and a maximum of 5% of the basal area replacement requirement for the highest rated, most desirable trees approved for removal.

In relation to this specific recommendation, concerns were expressed about the potential loss of canopy due to reduction in the requirements and expansion of what permits may be exempt from replanting requirements. This concern may be alleviated with the elimination of the waiver and requirement for at least one tree replaced for each tree removed, but this cannot be determined without robust cost analysis. There are also implications to adding a required replacement for trees the City requires residents to remove. The Council will have to consider that more city resources may be required to support the urban forest all Takoma Park residents enjoy in order to deliver the changes proposed in the current version of the ordinance.

6. Endorsement of the addition of subsection F in 12.12.100 to charge a fee in lieu that accounts for the true cost to the city for trees including maintenance.

7. Recommendation to rename and restructure 12.12.140 to “Administration” and amending the language as follows:

12.12.140 Administration

A. The Mayor and City Council: The Mayor and City Council shall:

1. Adopt by resolution standards for a comprehensive tree inventory/survey for the City of Takoma Park to be conducted by trained personnel in tandem with the flyover LIDAR analysis that is conducted every five (5) years; develop and maintain a master planting plan.
2. Allocate funding every five years necessary to support a comprehensive tree survey.
3. Adopt strategic tree canopy goals for the City of Takoma Park with consideration for plantings on both public and private lands in the City. Make provision for the goals be reviewed every five (5) years in tandem with the results of the tree survey.
4. Adopt by resolution a comprehensive community education initiative that will convey to residents the importance of stewardship of our urban forest and will educate residents on the permitting requirements for tree removal, tree impact assessments and tree protection plans as contained in Ordinance 12.04

B. City Manager: The City Manager, through the Urban Forest Manager and other authorized designee shall:

1. Administer the provisions of this Ordinance.
2. Develop regulation for administering this Ordinance.
3. Prepare and submit an Annual Report to the Mayor and the City Council on education initiatives as set forth in 12.12.140 A4, and permits requested, approved, denied and appeals outcomes and subsequent information necessary for the Mayor and Council to assess the effectiveness of the Ordinance.

4. Submit a comprehensive budget for the tree survey as required by the standards contained in the Council's resolution every five years.

5. Implement a comprehensive community education plan that reaches into each Ward on the importance of stewardship of our urban forest, initiatives that can be taken in neighborhoods and the requirements set forth in this chapter.

8. A general revision recommendations include more cross references to language or sections of the code relevant to the requirements (re: reference requirement for tree impact assessment provision in intro to tree protection plan section).

Following the revision of the tree ordinance there will be several regulatory changes for the City Manager to consider. The Tree Commission may have other recommendations at that juncture, but one important potential change that was discussed during the tree ordinance revision discussion was encouraging the Council to seriously consider the innovative ideas for encouraging greater use of the City bulk buy program following removals as proposed by Public Works.

The Tree Commission is willing and stands ready to provide additional input on specific questions related to this memo or revision considerations as Council review of this ordinance progresses.