

Recommendations to the Council of the City of Takoma Park for revisions to Municipal Code Title 12: Trees and Vegetation

July 22, 2019

12.04.010 Add definition of Ecosystem Services

Add definition of Invasive Species

12.04.080 Clarify responsibility to the City Manager's management of city property. Articulate the requirement to the process outlined in permitting structure, which is a requirement in the determination of replacement trees.

Some but not all Commissioners request that the City articulate its commitment to the appeal process for interested community members.

12.08.070 Review for sufficiency of process; determine if application of law is consistent with lawn maintenance provisions

12.12.010 See sample in Appendix A. General philosophy to be amended to reflect a desire to increase canopy through dynamic management. Reflect stewardship as a community responsibility for the good of a public benefit.

12.12.30 5% limitation is too restrictive. Recommend increasing to 10% Consider if "significant" can be better defined.

Modify fee to \$25 for tree impact assessment applications.

Tree impact assessment is required for approval of a tree removal permit filed for purposes of development indicated in section 12.12.40

12.12.40 Incorporate Tree Waiver into Removal permit requirements. Cost average application fee at \$40.

12.12.80 Commissioners arrived at several different determinations on rights of appeals. Questions have been raised regarding the right of appeal on removal for declining health of a tree held on private property. This can be addressed by removal of right to appeal in this instance, or alternatively delimited by adjacency or if the appellant's property is potentially affected.

Change undesirable to invasive

Allow UFM the discretion in requiring an independent arborist evaluation for complex plans pursuant to section 12.04.110.

12.12.90 In instances where a preliminary approval is granted for development purposes, authorize the Urban Forest Manager to allow for extensions of deadlines without further right of appeal.

12.12.100 See modified formula Appendix B

Consider authorizing the Urban Forest Manager the capacity to reduce replanting requirements to incentivize planting on site. Consider how this would be financed.

Consider expansion of waiver, to potentially include trees evaluated to be in decline with less than 10 years of life. Consider how this would be financed.

Fee Formula should include provision for maintenance for a period of 2 years, with language broad enough to cover deer protection.

Change undesirable to invasive

12.12.105 Repeal Pre-planting credit program

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

12.12.140 Recommend including education and outreach in master plan. Retain Annual report. Retain replanting plan and modify inventory to once every five years concurrent with canopy assessment on both private and public lands, to set canopy goals. Establish implementation plan for canopy goals and review/revise on a 5-year cycle.

Ancillary Recommendations:

Consider fiscal modifications created by amendments to replanting requirements, in order to reflect the community stewardship component of the vision statement. To the extent it is determined this is not possible to increase funding base, expand funding of the tree emergency fund to accommodate requests for tree replacements to remove trees within 10 years of life, for residents that demonstrate need.

The Urban Forest Management Office should conduct a top-down evaluation, to include external review of all regulations, including but not limited to invasive tree list, preferred tree list, and permit applications and processes. Such evaluations should be made public and include methodology. This transparency serves to support the quality of evaluation the resident applicants receive from the City.

Ensure the Urban Forest Management Office is adequately resourced in the execution of both strategic and operational functions. Set a threshold for permit volume that, when exceeded triggers contract services, to ensure timely customer service to permit applicants. Continue to consider the incorporation of Green Infrastructure and explore areas of cooperation and cost sharing with the Sustainability Office.

The fee in lieu charge should reflect the actual cost of replacement. This represents an increase in the cost of purchasing the tree, in addition to deer protection and water/maintenance for the first two years post planting.

Concurrent with the annual report, recommend establishment of an annual work session to set goals for the year between the Tree Commission, Urban Forest Manager, City Manager and Council to take place in September of each year, in the spirit of the Green Team meeting. Stepped up enforcement on strategic initiatives and periodic reporting requirements.

Explore both opportunities for increased vendor engagement and vendor enforcement that the law allows.

Explore ways residents may be incentivized to preserve volunteer/small trees based on land preservation.

Authorize the City Attorney, in consultation with the Tree Commission, to correct errors in the code. Change all references to the Arborist to Urban Forest Manager.

Appendix A: 12.12.010 Legislative Findings

The Council of the City of Takoma Park finds that it is in the interest of the citizens of the City to protect, preserve, and enhance the City's urban forest. Stewardship of our urban forest is a community effort. A healthy, biodiverse and demographically balanced urban forest sequesters carbon to help mitigate global warming, reduces energy consumption, mitigates temperature extremes, promotes health through control of air, noise, and visual pollution, supports wildlife, and enhances aesthetics of the cityscape. The City's urban plays an important role in controlling storm water run-off, thereby supporting the biologic and hydrologic integrity of downstream watersheds. Regulation of actions affecting the urban forest provides mutual benefits to City residents and property owners. The purpose of this chapter is to promote a diverse, resilient urban forest of desirable species, and it shall be administered in a manner that seeks to protect and replace such trees at every opportunity. (Ord. 2003-40 (part), 2004)

Appendix B: 12.12.100 Tree evaluation Matrix for determination of replanting requirements

| CRITERION | VALUE | | RATING |
|------------------------|---|---|--|
| | 5 or 4 | 3 or 2 | 1 |
| Target | No Target or within 2X Height | Target within 1X height/ or within dripline with target zone rarely occupied | Target within dripline/target zone is frequently occupied |
| Site Factor | Optimal no site changes favorable soil conditions | Grade change/compacted soil/soil saturation | Limited soil volume/severely compacted/planting box restriction/history of failures in close proximity evident |
| Trunk/Root Collar | Sound and solid/ root collar in tact | Sections of bark missing/root damage | Extensive bark loss and hollow/ evidence of fungal bodies/ root cuts and/or significant root damage clearly evident |
| Structure/Crown Health | Normal foliage and full and balanced crown | 1 Major/structural limbs dead or dying/ normal to sparse foliage/ presence of vines | 2 or more major limbs dead/ significant structural deadwood/sparse necrotic or chlorotic foliage in crown/ vine inundation |
| Insects/Diseases | Normal pest presence | Past or current pest activity not significantly inhibiting vitality | Active activity or infestation negatively impacting tree health |
| Life Expectancy | Over 30 years | 10 to 30 years | Less than 10 years |
| | | | Total Rating |
| | | | |

D. Using the above scale, trees are to be replaced according to the following formula, with the actual number of replacement trees required rounded up to the next whole number:

| Total Rating of Tree to Be Removed | Percentage of Basal Area to Be Replaced contingent on increasing the tree replacement costs expecting fewer trees to be replaced | |
|------------------------------------|--|-----------------|
| | Invasive Species Removed per § 12.12.080(B)(1) Encourage removal of undesirables as agreed to by the group | All Other Trees |
| 6 to 15 | .25% | 1% |
| 16 to 24 | .5% | 3% |
| 25 to 30 | 1.5% | 5% |