



From: Ken Elwert
To: Planning Commission
Date: 8-20-19
Re: Final Review – DRAFT Woodland Conservation Ordinance

Thank you for the in-depth review and comments from the last meeting, resulting in an improved ordinance for conservation of trees across the entire City. Please see a summary below of comments received, items not changed, and changes made to the draft code.

Items Reviewed and Confirmed in Ordinance

- Language prohibiting topping of trees. *Already addressed in Landscape Ordinance – 138.12.109*
- Make use of letters/numbers consistent. *City attorney has reviewed use of letters, numbers/bulleted items for consistency with municode standard.*
- Landmark Trees should have language that they can be removed if they become a safety issue or City deems appropriate. *Already contained with ordinance exceptions 126-266.*

Items Reviewed with no Change

- Consider adding Engineers to qualified tree surveyors. *While some Engineers may be qualified, this is not a key category of training for them. Tree surveyors do most of their work when the leaves are off, making it more difficult to identify tree species & tree diseases.*
- Consider having language that a variance request would go through Zoning Board of Appeals instead of City Council. *Neither the Planning and Economic Development Department nor Department of Parks and Natural Resources recommends this option. City Council would need to indicate they wish to delegate this authority.*
- Consider adding language that trees being cut down will be in compliance with federal laws as they pertain to protection of protected animal species. *While we are in support of protection of protected species, this woodland ordinance is meant to conserve trees, not animal protection.*
- Consider way to incentivize planting onsite versus paying into tree fund. *The Code identifies planting onsite as the first desired option, and gives other options if not feasible. While we are in support of encouraging planting, we recognize there is often a limitation of space to replace trees without growing too close together encouraging competition and disease.*
- Consider quality of trees for exemptions/specimen trees. *Diseased, dead, or dying trees are already exempt. All other trees still provide substantial community canopy benefits (storm water retention, shade, habitat, air quality, etc.). The classification of tree quality is very subjective and “Poor” trees may still survive another 20 years.*

Items Modified or Changed

- Capitalization has been reviewed and made consistent throughout.
- Specimen Tree and Landmark Tree definitions have been added to beginning section (126-261).
- Removed “Applicability of article” section to avoid confusion between development/redevelopment. Applicability section no longer had a purpose (126-264).
- Removed language about “location of improvements being staked at the site”. This was not current practice and did not have a clear purpose (126-359).
- Updated sizes for all appropriate trees (126-397(3a)).
- Clarified that the City Department of Parks and Natural Resources shall maintain a list of nuisance trees (126-397(4)).
- Consider adding more specific language as to how a tree becomes a landmark tree-how to get on the big tree list, nominated as historic, etc. *Historic tree designation was removed based on lack of historic usage. Removed City Big Tree List from the ordinance. Redefined Landmark Tree as being on a State or Federal list of largest tree in State or Nation (see Landmark Tree Definition, 126-261).*
- Consider incentivizing preservation of specimen trees (versus paying into tree fund). *Added that each specimen tree preserved is worth one 2” tree replacement credit (126-397(3)).*