

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	July 13, 2009
	Agenda Item No. 62 Roll Call No. <u>09-</u> Communication No. <u>09-462</u> Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Public Hearing regarding proposed Tree Management Ordinance.

SYNOPSIS:

Staff believes that the City can have a significant impact on tree management efforts by enhancing existing development-related ordinances and processes. However, due to current budgetary constraints, the City cannot implement a permitting system for tree removals, as was previously proposed at public hearings on March 9, 2009 and May 4, 2009. Therefore, it is requested that the City Council direct the City Manager to revise the proposed tree management ordinance and other development-related ordinances to formalize requirements for tree protection and mitigation, as specifically identified in the “Additional Information” section of this report. In addition, it is requested that the City Council direct the City Manager to prepare a written policy for City operations and CIP projects that incorporates principles for tree preservation, protection and mitigation that are consistent with the proposed ordinances for the Council’s consideration. Finally, it is requested that the City Council direct the City Manager to enhance the City’s on-going efforts toward planning for the urban forest, as noted in the “Additional Information” section of this report. Staff recommends that the public hearing be continued until August 24, 2009, so that the referenced ordinances and policy can be prepared for the Council’s consideration, based on policy direction provided by Council.

FISCAL IMPACT:

Amount: Indeterminate. The proposed ordinances and policy will formalize practices that have been administratively implemented with existing staff resources over the last 8 years without a permitting system. Additional costs may be incurred by individual City projects to comply with principles for tree preservation, protection and mitigation that are consistent with the proposed City ordinances. No additional staff resources are anticipated.

Funding Source: General Fund and/or Capital Improvement Program.

ADDITIONAL INFORMATION:

At the June 22, 2009 City Council workshop, staff expressed concerns that the City cannot implement a permitting system for tree removals, as was previously proposed at public hearings on March 9, 2009 and May 4, 2009. In the alternative, staff recommends the following:

Proposed Revisions to City Ordinances

City ordinances should be amended to formalize requirements for tree preservation, protection and mitigation, as follows:

- Regulations shall be implemented within existing financial and staff resources, via existing development review and enforcement processes, and shall not require a permit.
- The minimization of tree removal shall be emphasized during zoning, subdivision, site plan and public improvement approval processes.
- The regulations shall specify the protective measures that are necessary during construction for existing mature trees that are designated for preservation.
- The regulations shall define “mature trees” as those that are 12-inches in caliper, or greater.
- Mitigation for the removal of trees during development shall generally be required with exceptions allowed for removal of undesirable species, diseased or damaged trees or removals necessitated by other Federal, State or local code requirements.
- The required Mitigation Ratios for tree removals (during plan review and approval processes) shall be:

<u>Removal (diameter)</u>	<u>Replacement (# of 2” trees)</u>
12-18”	1
18-23”	2
23-29”	3
each 6” over 29”	1

Or

1 tree per 2,000 square feet of canopied area, based upon the identification method that is utilized.

- The Penalty Mitigation Ratio (minimum ratios required for tree removal in violation of approved plan) shall be 1 tree for every 700 square feet of canopy removed.
- Street trees and other trees required by the City’s Landscape Standards shall count toward mitigation planting requirements.
- Mitigation plantings may be planted “off-site,” with the receiving property owner's consent.
- The tree lists in the City’s Landscape Standards shall be revised and updated.

City Operations and CIP Projects

The City Manger will prepare a written policy for City operations and CIP projects that incorporates the principles outlined above. In addition, supplemental specifications will be developed for incorporation into future City funded contracts. These changes can be made to next construction season projects, once council approves final language of the tree management ordinance. State and Federally funded projects must comply with State and Federal agency requirements.

Enhancement of Planning for the Urban Forest

The City Manager will enhance the City’s urban forest planning efforts through activities, such as:

- Providing educational programming for citizens, developers and other civic groups.
- Creating green partnerships with corporate citizens, public utilities and tree advocacy groups.

- Sponsoring and promoting special events surrounding tree preservation and building the urban forest.
- Providing proactive literature for tree services and potential developers.

PREVIOUS COUNCIL ACTION(S):

Date: May 4, 2009

Roll Call Number: 09-793

Action: On Proposed Tree Preservation and Mitigation Ordinance and to continue to July 13, 2009 at 5:00 PM. Moved by Kiernan to continue the hearing to July 13, 2009 at 5:00 PM. Motion Carried 7-0.

Date: March 9, 2009

Roll Call Number: 09-411

Action: On Proposed Tree Preservation and Mitigation Ordinance. (Council Communication No. 09-159) Moved by Meyer to continue the hearing to the May 4th Council meeting at 5:00 PM to allow time for additional input and give an opportunity for the M.A.C. (Metro Advisory Council) to review. The City Manager will report back on the following: 1) Details of the permit process. 2) Fiscal impact. 3) Description of penalties. Motion Carried 4-3. Nays: Cownie, Mahaffey and Vlassis.

Date: February 23, 2009

Roll Call Number: 09-287

Action: Set date of public hearing on Proposed Tree Preservation and Mitigation Ordinance, (3-9-09). (Council Communication No. 09-109) Moved by Hensley to adopt; refer to the City Manager to report on how this ordinance would impact the Airport. Motion carried 7-0.

Date: May 19, 2008

Roll Call Number: 08-868

Action: Communication from Plan and Zoning regarding a proposed Tree Preservation/Management Ordinance. Moved by Coleman to receive, file and refer to the City Manager and the Park and Recreation Board for review and recommendation; seek input from a variety of those affected and determine the fiscal impact. Motion Carried 7-0.

Date: October 22, 2007

Roll Call Number: 07-2023

Action: Communication from Plan and Zoning regarding a Tree Preservation/Management Ordinance. Moved by Vlassis to receive and file. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: September 23, 2008

Action: The Park and Recreation Board referred the item to their Urban Conservation subcommittee. The subcommittee ultimately recommended that the Park and Recreation Board and the Urban Conservation subcommittee be charged with developing a citywide Tree Management Plan. They also recommended that the proposed tree preservation/management ordinance be deferred, until a Tree Management Plan is completed (estimated 2+ years).

Date: May 1, 2008

Action: Plan and Zoning Commission voted 11-0 to recommend approval of an ordinance.

Date: October 4, 2007

Action: Plan and Zoning Commission voted 10-0 in support of a motion to express their concerns with the removal of existing mature trees on private and public property within the City of Des Moines and to request that the City Council initiate actions authorizing the Planning Commission and City staff to prepare a Tree Preservation/Management Ordinance.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Public hearing and consideration of the ordinances and policy for City Operations and CIP Projects on August 24, 2009. Second and third readings of the ordinances would be held, as necessary.

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