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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** August 29, 2013

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Proposed Framework for Staff Review of the City's Tree Conservation Ordinance No. 2007-02-10

**ITEM SUBMITTED BY:** Councilmember Meinzen McEnery

**MEETING DATE:** September 3, 2013, City Council Work Session Meeting Agenda

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*BACKGROUND INFORMATION: (Attach additional pages if necessary)*

See attached:

Material for Council review and feedback

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*APPROVAL BY CITY MANAGER:*                     JFM                     APPROVED

*PLACED ON AGENDA FOR:*                     9/3/2013                    

*CITY ATTORNEY APPROVAL REQUIRED:* (  ) YES      (  ) NO

*CITY ATTORNEY APPROVAL:*                     AM                    

*REMARKS:*

**PROPOSED FRAMEWORK for STAFF REVIEW of THE TREE CONSERVATION ORDINANCE: 2/6/2007**

- 1. Consider expanding the protection of existing canopy trees**  
Evaluate whether additional tree preservation can occur on larger lot residential developments.
- 2. Evaluate the effectiveness of the current Boundary Tree provisions**  
Should there be modifications made to further discourage encroachment? Is the ordinance fair to the adjacent property owner on whose property the Boundary Tree is located? Is the ordinance provision readily enforceable, or should it be modified to make enforcement more effective?
- 3. Consider whether the removal of Landmark trees from Tree Protection Zones should be considered by the Board of Appeals.**  
Since these trees are significant, their removal from residential lots may require additional consideration by the Board of Appeals, similar to the same situation for trees in tributary buffers.
- 4. Consider adding Historic trees to Protected status in the ordinance (hardwoods of 37" diameter or greater) and assess what provisions would be appropriate for such trees.**  
These large old trees can add to the character of the City, as well as providing significant canopy with many valuable years of useful remaining life left.
- 5. Consider providing additional language in the ordinance to address intent more clearly, specifically with relation to:**
  - Landmark trees, bigger trees, Historic trees and Boundary trees;
  - Whether the intent should address the character of tree canopy on adjacent lots in order to provide for consistency in a neighborhood;
  - Whether the 4 primary evaluation criteria should be weighted equally or not.
  - Whether it is the intent to allow (i) off-site mitigation for the larger residential lots, and (ii) clear cutting, except where Tributary buffers are required.
- 6. Evaluate how to address the removal of trees in contemplation of an upcoming building permit so that the provisions of Section 6 apply to new construction.**
- 7. Amend Section 10 of the Tree Conservation Ordinance to add an additional item requiring the Director of Community Development to prepare and present annually a plan for the use of funds in the Tree Bank.**
- 8. Address the need for a regularly scheduled tree canopy study to allow the City to assess the effectiveness of the Tree Conservation Ordinance.**