Natural Resource Protection Ordinances....

Big Brother Takes an Interest in Trees

Skip Kincaid, Senior Consulting Urban Forester
Davey Resource Group
ISA Board Certified Master Arborist – MW-0155BM
SAF Certified Forester #1516
Natural Resource Protection Ordinances ....

Big Brother Takes an Interest in Trees

• Describe the government’s role in the pursuit of “Quality of Life”.

• Utilizing a case study from Webster Groves, MO list the available steps to create reasonable legislation that protects trees with accepted limitations on the way sites are developed.

• Use lessons to adopt change where you live and work.
“Quality of Life”… what does it mean?

No single universal definition….it’s simply a term used to describe general well-being. Many images are used to portray it…. Tree images are common!

THE QUALITY OF LIFE FOUNDATION

Eastern Pines Convalescent Center
29 North Vermont Avenue  Atlantic City NJ  (609) 344-8900
Hemodialysis  Rehabilitation  Skilled Nursing

MARYLAND
Smart, Green & Growing

the goal...
A GREENER & HEALTHIER CITY
BY 2020
Sometimes, photographs are used to portray it....
Do you think of “quality of life” with this photo?
Tree City USA promotes “Quality of Life” by recognizing communities that understand the benefits of trees and strong tree programs in communities.
“A tree ordinance provides an opportunity to set good policy and back it with the force of law when necessary.”
Government’s role in the pursuit of “Quality of Life”

• Public input drives the need for new laws
  • States create statutes
  • Municipalities create ordinances

• Governments are formed with the authority of “police power.”

• Police power: government’s authority to make and enforce laws to protect the public’s health, safety, and general welfare.

  pretty broad when you think about it….
Police Power….. “Big Brother” is watching…..
Setting the Stage

• Webster Groves, MO (pop.~23,000)
• An inner-ring St. Louis area suburb
  – Old community w/century homes; big trees; active; liberal arts college; TCUSA for many years
• Park system hired a horticulturist to oversee “green” in city parks. Over time, the individual became very involved w/tree preservation issues during new development in parks.
• At the same time, residents became very concerned about “green space” issues throughout the city. They created the “Green Space Advisory Commission”. Horticulturist was appointed as liaison to commission and city council.
• Discussion was generated about the need for a new tree ordinance that provided overall direction for trees in the city, including preservation of tree canopy.
• “Tree ordinance language” existed, but it was fractured.
In Webster Groves

- Health and Environmental Board identified need for increased action relating to trees in 1990.
- A planning session in 1996 identified trees and walk-ability as #1 and #2 assets of Webster Groves.
- When Green Space Advisory Commission was formed, they determined the highest priority as a tree ordinance (2000).
- Ordinance goals:
  - Improve tree care practices on city-owned trees
  - Species selection
  - Planting standards (too deep?)
  - Construction standards for contractors on city ROW
  - Control development issues and tree loss by requiring tree preservation plans
  - Assign authority and responsibility for tree issues to various city departments or volunteer boards and commissions
Steps To Create New Tree Legislation...

• January 2000 - GSAC has first meeting

• April 2000 - GSAC makes attempt at first draft written by volunteers (ouch). The process creates frustration for board members.

• August 2000 - hire consultant, reviews and re-writes draft. Calm is restored!!
Steps To Create New Tree Legislation...

- October 2002—Consultant and GSAC present first draft to staff
- November 2002—Other City department managers review
- March 2003—Lawyer review
- November 2003—City Council presentation
- January 2004—Public Forum
- February 2004—First reading City Council
- March 16, 2004—Tree Ordinance passed!
- April 2004—City staff meeting, details, establish permit process

- Note that the process took four years.... And its about to be revised to provide additional protections that were eliminated at the last minute from the first round.
Every municipality has its own unique character and needs.

- Is the capacity for change evident?
- Are residents motivated?
  - Development issues
  - Tree care issues (topping…)
- Are elected officials and city staff motivated?
  - If not, you will need to motivate them!!!
  - Educate them about the REAL value of having a well maintained community forest (McPherson, et. al.).
Stakeholders…. “Who’s In?”

- Green Space Advisory Commission (Tree Board?)
- Consultant
- City Attorney
- City Council
- Citizens
- Developers (et.al.)
- City Staff
  - Parks
  - Public Works
  - Planning
  - Finance
More Items To Consider...

- MDC T.R.I.M. grant dollars
- Tree Board involvement
- Two advertised public input meetings
  - Stakeholder input is key!!
- Park Board review
- City Department Head review
- Legal review (city attorney)
- Letters of support
  - Department heads
  - City attorney
  - Citizens
  - Tree board
  - Affiliate organizations (HBA, tree service companies)
Last Minute Surprises….

• In Webster Groves, critical items were amended or removed at the last minute by council amendments…
  – Removed Certified arborist requirement
  – Development restrictions reduced by half and limited tree replacement costs to $800 maximum per lot
New Forms And Documents…

- License Form
- Tree Permit Form
- Acceptable Tree Species List
- Appeals Application Form (due process)
- Tree Ordinance Brochure
Here’s What’s Happening Now….

- **Progress** – a strong step forward
- **Enforcement** – still a lot to learn!!
- **GSAC** – currently updating the current language to insert the deleted language.
- **Contractors** – getting used to the idea of permits and licenses. Good quality contractors like the permits and licenses!!
Some key provisions in recent ordinances....

- **License Tree Service Companies**
  - Require a certified arborist, insurance and workers compensation
  - Good tool for reducing the amount of topping and increasing the quality of tree care on public and private trees
  - Keep fees low and make getting the license and renewal an easy process
  - In cities where this is proposed, the tree service companies testify strongly in favor of this provision
Some key provisions in recent ordinances....

• On tracts less than 3 acres (or 1 acre), requirement replacement of all removed healthy trees utilizing an “adjusted diameter” formula
  • Require a full inventory and mapping of trees on the site that are over (5”, 8”, 12”)
  • This is called a tree stand delineation (or what do you have on the site?)
  • Require a certified arborist (with experience) prepare a tree protection plan
  • The TPP will identify which trees are removed and which trees stay
Some key provisions in recent ordinances....

- **On tracts less than 3 acres (or 1 acre), requirement replacement of all removed healthy trees utilizing an “adjusted diameter” formula**
  - Removed trees will be replaced inch for inch utilizing an adjusted diameter formula
    - A silver maple 30” in diameter and rated as 50% condition rating would be replaced with 15” of new trees.
  - If the site size limits the room for new plantings, a payment in lieu of planting can be made at the rate of $160 per inch. The fee is kept in a municipal “tree bank” (account) to be used for new plantings and maintenance of trees on public property. A new mechanism for funding urban forestry!!
Some key provisions in recent ordinances….

- **Develop clear language in the ordinance about who has responsibility (authority) for different trees within the city**
  - STREET TREES – Director of Public Works
  - PARK TREES – Director of Parks
  - PRIVATE TREES – Director of Planning

- **Don’t forget about where the City Forester position fits in and what authority that position has…**
  - An ordinance can mandate that department heads must consult with City Forester before doing a city project that may impact public trees
  - e.g. review plans for new sidewalks, streets, etc and provide input about tree protection during public improvements.
Is there a capacity for change where you live or work?
Additional Resources…

• Web-based publications…
  “Guidelines for Developing and Evaluating Tree Ordinances”
  “Tree Ordinance Development Guidebook”

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  (314)822-7700  skip.kincaid@davey.com  www.davey.com/drg