



STATUS OF THE (PROPOSED) URBAN TREE PROGRAM

To: Mayor Higgins
City Council

From: Sarah Fox, Senior Planner

Date: November 15, 2017

Contributing City Staff: Anita Ashton; Bob Cunningham; Denis Ryan; Jeff Englund; Jerry Acheson; Jim Gant; Lauren Hollenbeck; Phil Bourquin; Randy Miller; Robert Maul and Tami Strunk.

Urban Tree Program Ad Hoc Committee: Bonnie Carter (City Council); Charles Ray (City of Vancouver Forester); Damon Webster (Mackay & Sposito); Hunter Decker (Clark County Parks); Lynn Johnston (Johnston Dairy); Patty Barnard (Citizen); Troy Hull (Planning Commissioner); and Cassi Marshall (Camas Parks Commission).

Consultants: Dorothy Abeyta, Ruth Williams, Tina McKeand, Ian Lefcourte, Ian Scott --- all of Davey Resource Group

"The humble street tree is an ecological powerhouse. Study after study has shown multiple benefits to people and society. Trees and other natural features in cities can help regulate water quality, quantity, and timing. They can help clean and cool the air, reducing harmful air pollutants and ambient air temperatures. They lend beauty to our streets, enhance citizens' lives, and significantly increase property values. This whole list of benefits, and more, comes from trees and parks in cities and towns." Quoted from Funding Trees for Health, authored by Rob McDonald, Lida Aljabar, Craig Aubuchon, Howard G. Birnbaum, Chris Chandler, Bill Toomey, Jad Daley, Warren Jimenez, Erich Trieschman, Joel Paque, Matt Zeiper.

BACKGROUND OF URBAN TREE PROGRAM

The goals and policies of Camas 2035 are intended to guide our future efforts to close the gaps between where we are as a community today and where we would like to be in the next twenty years.

In brief, current development standards **require an investment in street trees**. However, there are no standards in place to protect that investment. The city does not have a street

tree removal permit, nor does the city require replanting of street trees. The city also does not have a program to compensate for the loss of tree canopy cover, nor a program to educate the public on tree management.

The Camas 2035 Comprehensive Plan was adopted in June 2016. It describes specific goals and policies related to urban forest canopy, parks, and community education. Several of the goals and policies are not currently supported by regulations in Camas' existing municipal code.

For these reasons, the city applied and was awarded a grant from the Department of Natural Resources to develop an Urban Tree Program (Agreement #IAA 16-338). The grant period runs until May 31, 2018, and is a 50% cost share with the City.

An initial work plan for the Urban Tree Program included the following work: current zoning diagnosis; review of the Camas 2035 comprehensive plan to ensure the proposed codes will be consistent; drafting a tree ordinance, including graphics; updating the Design Standards Manual (or creating a Tree Manual); and creating outreach materials. The outreach materials will increase the public's knowledge of tree care and the new ordinance.

In support of this project, the city contracted with Davey Resource Group. Along with reviewing current codes and the vision within Camas 2035, Davey Resource Group and Staff interviewed key urban forest stakeholders on March 23, 2017. The feedback from these interviews was used to develop a community survey to understand public awareness and opinions about trees in Camas. Over 250 community members provided feedback through an online survey that was available March 30 through May 12, 2017. The online survey collected qualitative information about public perception of tree protection, tree species preferences, and about the concept of street tree removal permitting.

Davey Resource Group reviewed relevant municipal code, the comprehensive plan, survey results, and stakeholder input to provide code revision recommendations. Staff brought those revisions to the Urban Tree Program Ad Hoc Committee to discuss and receive feedback. We also held several meetings with city staff to further refine and discuss the proposed changes.

The following report includes recommendations for changes to Camas Municipal Codes (CMC) to align with the vision of the community as adopted within Camas 2035.

COMMUNITY VISION

The Camas 2035 Comprehensive Plan (2016) provided guidance for trees, landscaping, and development. Specific tree related goals and policies include:

GOAL LU-4: DEVELOP AN INTERCONNECTED NETWORK OF PARKS, TRAILS, AND OPEN SPACE TO SUPPORT WILDLIFE CORRIDORS AND NATURAL RESOURCES AND ENHANCE THE QUALITY OF LIFE FOR CAMAS RESIDENTS AND VISITORS.

LU-4.1: Maintain development regulations that encourage the preservation of trees and natural areas, including the use of density bonuses to protect sensitive areas and encourage tree replacement.

LU-4.2: Support the purchase by the City, or the dedication and preservation by private owners, of open space and encourage careful consideration and integration of the natural environment in any planning activity to perpetuate the park-like setting of Camas.

LU-4.3: Encourage regional trail connectivity and increased access throughout the City to support multi-modal transportation and physical activity.

LU-4.4: Development on the edges of the City adjacent to unincorporated land in agricultural use or in a forested or natural state should consider those adjacent uses and, where appropriate, provide buffers.

GOAL NE 4: TO PROTECT CAMAS' NATIVE LANDSCAPE AND MATURE TREE COVER.

NE-4.1: Encourage the use of native plants in residential, commercial, and industrial landscapes in order to increase the implementation of low-impact site design.

NE-4.2: Prioritize management to eradicate aggressive non-native vegetation species.

NE-4.3: Analyze the tree canopy citywide and create a plan to encourage retention of significant tree cover.

NE-4.4: Develop a program to compensate for the loss of tree canopy coverage, when retention of mature trees within development sites is impractical.

NE-4.5: Develop a program of community education regarding healthy tree management and support the management of urban forest areas.

The recommendations in this report are intended to align city code with the community vision of the Camas 2035 Comprehensive Plan.

SUMMARY OF RECOMMENDED CODE REVISIONS

After a review of all the relevant current codes and policies, the recommended code revisions will accomplish the following:

1. Make progress toward achieving the goals of the comprehensive plan, in particular, “*To protect Camas’ native landscape and mature tree cover.*” Goal NE 4
2. Provide definitions for key terms, and align language with current best practices in arboriculture.
3. Create alignment from one code chapter to another.
4. Provide for consistent penalties for illegal removal of park trees.
5. Define a street tree.
6. Define the process of street tree removal and replacement
7. *Clarify process for protection of tree canopy with new developments¹*

Notes regarding code amendments:

- Camas Municipal Code is abbreviated as “CMC”
- Recommended additions are shown in **bold underlined text**.
- Recommended deletions are shown ~~struck through~~.

STREET TREE REMOVAL

Camas Comprehensive Plan Policy NE-4.3 encourages the city to: “*Analyze the tree canopy citywide and create a plan to encourage retention of significant tree cover.*” While the code already protects trees in critical and natural areas, street trees are a significant public resource that is not protected or required to be preserved or replaced in the event of removal.

In Camas, street tree pruning and removal is at the discretion of the adjacent property owner. This means that when street trees are removed, the city has no enforcement power to require replacement. Over the years, the Planning Department and other departments have received an increasing number of inquiries about street tree removal permitting, as it is a common requirement in other communities, as a mechanism to monitor and require replacement for removed street trees.

¹ Staff is still working through a proposal for tree protection with new developments. These provisions are generally within CMC Chapter 18.31 Sensitive Areas and Open Space, and will be the topic of a future workshop.

Recommended changes to code would primarily be within Chapter 12.04 at Sidewalk Maintenance. The chapter would be re-titled as "Sidewalk and Street Tree Maintenance". The following is a recommendation of changes to this chapter in order to accomplish the following:

1. DEFINE A STREET TREE
2. REQUIRE A PERMIT FOR THE REMOVAL OF A STREET TREE

12.04.010 – Definitions

For the purposes of this chapter:

- A. All property having a frontage ~~upon the sides or margin on the edge of the right-of-way~~ of any street shall be deemed to be "abutting property" and such property shall be chargeable as provided for by this chapter for all costs or maintenance, repairs or renewal of any form of sidewalk improvement between the ~~street margin and the roadway right-of-way~~ lying in front of and adjacent to the property; and
- B. "Sidewalk" shall be taken to include any ~~and all structures or forms of~~ street improvement included in the space between the ~~street margin~~ property line and the improved roadway.
- C. A "street tree" is any tree located in the planter strip of the right of way. The planter strip is typically located between the curb and the sidewalk, unless designated in another location as noted on the face of a plat, or other approved development plan.

Commented [SF1]: Use of the term "street margin" is unclear and this is a suggestion to improve clarity.

Commented [SF2]: This is a new definition.

12.04.025 – Street Tree Permit Required for Removal

- A. Persons seeking to remove street trees from the right of way, shall first obtain a permit from the city.
 1. An application for such permit may be required to include the following information relating to the proposed removal of the tree: location; species and size; proposed schedule of removal; and photos of tree.
 2. The city may collect a fee for tree permits and the amount will be set forth in the city's fee schedule.
 3. Tree topping is prohibited and is considered to be a form of removal. Topping is the cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role, and contribute to a future hazardous condition or death of the tree.
 4. Tree replacement may be a condition of tree removal permitting. If required, the tree must be replaced by the adjacent property owner or their agent within one year of removal. The replacement tree may be in an alternative location than in the planter strip of the right-of-way as long the alternative location is approved by the city.
- B. Street Tree Permit Exemptions.
 1. When pruning or removal is performed by municipal crews and is necessary to maintain clearance for public rights of way.
 2. Hazardous trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, may be removed prior to receiving written permit approval from the city; provided, that city staff or an

arborist documents the hazard with photos. The landowner must submit proof of hazard to the city within fourteen days, along with a street tree removal permit application.

C. Enforcement and penalties.

1. A person who fails to comply with the requirements of the tree permit, who removes a street tree without obtaining a permit, or fails to comply with a stop work order issued under this section shall also be subject to a civil penalty as set forth in the city's fee schedule.
2. Each day that a violation of the requirements of this chapter continues shall constitute a separate violation. In addition, each unlawfully destroyed tree shall constitute a separate violation. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.

FINES FOR REMOVAL OF PUBLIC TREES IN PARKS

The following amendments are an effort to provide consistency with the fines and penalties when trees are removed without permission from the city's opens spaces and parks.

CHAPTER 12.32 - PARK RULES AND REGULATIONS

12.32.005 - Definition—Park

For the purposes of this chapter, "park" shall include all recreational properties and facilities within the City of Camas including, but not limited to, parks, trail systems, conservancy zones, recreation centers, outdoor pools, sports parks and recreational fields.

Commented [SF3]: This is an existing definition.

Formatted: Font: Segoe UI, Bold

Formatted: Font: Segoe UI, Bold

12.32.030 - Destruction of Plant Life and Natural Surroundings

Formatted: Font: Segoe UI, Bold

No person shall in any city park without prior written authorization from the city:

A. Cut, break, injure, destroy, take or remove any tree, shrub, timber, plant or natural object in any park.

B. Remove any earth, boulders, gravel or sand, without written permission of the public works department.

12.32.220 - Penalty

Formatted: Font: Segoe UI, Bold

A. It is a misdemeanor punishable by a fine as described in the city fee schedule ~~one thousand dollars~~ and/or ninety days incarceration in the county jail to commit any act made unlawful under Camas Municipal Code Sections 12.32.020, 12.32.030, 12.32.130, 12.32.140, 12.32.145A, 12.32.145B, and 12.32.150.

Formatted: Font: (Default) Segoe UI

Formatted: Font: (Default) Segoe UI

FINES FOR REMOVAL OF PUBLIC TREES IN OPEN SPACES THAT ARE WITHIN CRITICAL AREAS (E.G. HAZARDOUS SLOPES OR WETLANDS)

The following amendments are an effort to provide consistency with the fines and penalties when trees are removed without permission from the city's open spaces that also have steep, hazardous slopes or other critical areas as defined within CMC Title 16 Environment.

CHAPTER 16.51 GENERAL PROVISIONS FOR CRITICAL AREAS

16.51.200 - Unauthorized critical area alterations and enforcement.

C. Minimum Performance Standards for Restoration.

1. For alterations to critical aquifer recharge areas and frequently flooded areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

- a. The historic structural and functional values shall be restored, including water quality and habitat functions;
- b. The historic soil types and configuration shall be replicated;
- c. The critical area and management zones shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and
- d. The historic functions and values should be replicated at the location of the alteration.

e. Annual monitoring reports shall be sent to the planning division regarding the success of the required mitigation for a period of five years following the installation of the mitigation. Corrective measures shall be taken if monitoring indicates that the performance standards are not being met.

2. For alterations to frequently flooded and geological hazardous areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

- a. The hazard shall be reduced to a level equal to, or less than, the predevelopment hazard;
- b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
- c. The hazard area and management zones shall be replanted with native vegetation sufficient to minimize the hazard.

d. Annual monitoring reports regarding the success of the required mitigation for a period of five years following the installation of the mitigation shall be sent to the planning division. Corrective measures shall be taken if monitoring indicates that the performance standards are not being met.

3. For unauthorized tree removal within any critical area and associated buffer area, the violator will be subject to a fine established in the city's fee schedule and must plant new trees at a ratio of two replacement trees for each tree felled within one year in accordance with an approved plan.

D. Enforcement. Violations and compliance issues under these provisions are subject to enforcement under CMC Chapter 18.55.

TREE PERMIT

Summary: To create a street tree removal permit that is easy to administer and equally easy for the public to be in compliance with the new rules. Goal would be to ensure that trees are replaced if they are removed.

- Permit application would be available online and would not require a professional arborist to fill out the form. Staff could assist anyone that is technologically-challenged with the permit application.
- Content. The permit would track location, size of tree, species (to their best knowledge), reason for removal, and species of replacement tree
- Approval of permits would include the following criteria:
 - Hazardous or dead
 - Conflicts with a new development or structure on the property
 - Invasive tree species
 - Damaging sidewalk, utilities, or other infrastructure
- Exemptions. The ad hoc committee discussed whether exemptions to replanting would be appropriate if the property owner is low-income.

PROPOSED AMENDMENTS TO FEE SCHEDULE

Summary: There are a few additions proposed for the city's fee schedule. The amendments would also include the creation of a tree fund for these fees to be used for tree canopy projects in the city's parks and open spaces or along rights-of-way.

- To create a fee for tree removal permits.
- To create a fee for in-lieu of tree planting
- To create a standard fine based on the size of the tree that was illegally removed. There should be a distinction between violations of street tree permits and trees removed from public lands.

NO FEE FOR A TREE REMOVAL PERMIT OR VERY LOW COST

Initial discussions with the ad hoc committee and staff is that the street tree removal permit would be free to the property owner or very low (e.g. \$20). The property owner would need to replant a tree for each tree removed.

FEE IN-LIEU OF REPLANTING

Provide an opportunity for those property owners to pay a fee to a city tree fund if they do not want to replant a tree after being approved for removal. The fund could be used for tree maintenance and mitigation projects on public lands.

FINES FOR VIOLATIONS OF TREE PERMIT OR REMOVAL FROM PUBLIC LANDS

The purpose of this amendment is to remove references for fines within the code, and provide the amount within the city's fee schedule. The fine would be based on the size of the tree that was illegally removed, not a single amount as it is currently. There should be a distinction between violations of street tree permits and trees removed from public lands.

When establishing the amount for a fine, there should be consideration regarding the true costs. Small trees can be replaced in this region for approximately \$500 including tree and material costs, and establishment. Larger trees will take time to grow to replace the canopy lost. The collected fines and fees could also be earmarked for planting and care of public trees.

There is no set industry standard for fines for illegal tree removal and fees vary greatly by city. The following examples are provided to demonstrate the range of penalties in Washington.

Hunts Point, WA

\$1,000 per violation + \$1,000 per inch not to exceed \$25,000

Issaquah, WA

\$480 per tree removed

Vancouver, WA

\$1,000 per large tree plus restoration costs

Olympia, WA

Not to exceed \$1,000 plus \$50 first offence, \$125 second offence, \$250 third offence

Centralia, WA

Not to exceed \$1,000

Bainbridge Island, WA

\$500 or 6 months in jail, or both