Evaluating Atlanta's Proposed Tree Protection Ordinance (TPO)

Session 4 of 4
April 8, 2021
Agenda

- Fast recap of Session 1, 2 & 3
  - Video & Slides
  - Progress
- Criteria for evaluation
- Discussion Framework: “Impact Chart”
- Specific standards and recommended changes – Session 4
- Q&A and Next Steps
Logistics

- **Timeline**
  - March & April: fee assessment notification at NPUs (non-voting item/comment only)
  - April 27: CDHS (Community Development/Human Services) committee makes recommendations to full City Council
  - May 17: City Council vote *(new date – may continue to change)*

- Today’s Q&A will be monitored
  - If not answered live today, we will follow up with an answer to all questions
  - Please do not use CHAT

- **Contacts**
  - Judy Yi *(judy@treesatlanta.org)*
  - Greg Levine *(greg@treesatlanta.org)*
We believe there is a path forward ... with changes

• Approach
  • Balances guidelines with incentives

• Standards
  • Needs more field-testing and supporting data to verify
  • Needs numerous amendments in order for Trees Atlanta support for approval

• Organization
  • Complex and difficult to follow
  • Needs companion user guides with rollout

• Next steps
  • Writing specific amendments for City Council consideration
  • 23 standards
Criteria for Evaluation

• Preservation
• Replanting
• Recompense

• Comparison of current versus proposed
• Collaboration and discussions with community, professionals, advocacy groups, and city staff
• Field-testing evaluations
  • Single Family Housing
  • Commercial Development
**Impact Chart of the City’s Proposed TPO**

**Legend**
- **Shade**: Changes are necessary to improve tree protection outcomes
- **Size**: Relative size represents estimated share of canopy that could be impacted
- **Support**: Generally support with some changes needed

**Likelihood to Protect or Improve Overall Canopy**

Review of January text. Trees Atlanta proposes recommended changes for each standard to increase the likelihood of canopy protection.

Page 1 of 4 – This document is designed as a collaboration tool and is a working product that will be updated as amendments are accepted. Trees Atlanta (3/17/21)

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Explanation of the Impact Chart

• Likelihood to Protect or Improve Overall Canopy (x-axis)
• Policy Impact (y-axis)
• Scale of Canopy affected (size)
• Status (color)

• Priority is to comment on the standards with highest Policy Impact and Scale of Canopy affected
• With amendments, the standard can be re-evaluated to the right and status
Four Session Topics

**Session 1**
- Priority Tree Definition
- Recompense Allowed for Public Trees
- Recompense Tree Value
- Site Density

**Session 2**
- Pre-application Meeting
- Priority Tree Incentives (Priority Tree Preservation Standard)
- AMDA Disturbance
- Allowance for Periodic Tree Removal by Homeowners

**Session 3**
- Postings
- Appeals
- Reporting Schedule
- Urban Forest Master Plan
- Commercial Development
- Parking Lot Standards

**Session 4**
- DDH Standards
- Registered Tree Professionals
- Deterrents & Enforcement
- Fencing/Protection from Construction
- Tree Trust Fund
- Tree Removal Funding
- TCC
- Conservation of Forested Areas
- Heritage Trees
- Invasive Vine Removal

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Impact Chart of the City’s Proposed TPO

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Likelihood to Protect or Improve Overall Canopy

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DDH: Dead, Dying, and Hazardous Trees

• Proposed Ordinance
  • City Arborist’s proposed standard operating procedures (SOPs) for DDH trees has been posted on the City’s website.
  • Requires assessment by a Registered Tree Professional or City Arborist.
  • All DDH tree removal permits shall be available for public inspection on the Arborist Division’s website.

• Recommended Amendments
  • Trees should not be approved as DDH if they can be remedied by prescription.
  • Require self-posted notice permit number as noted in postings when the work begins and remains on site during work.
  • Administrative: All DDH removed must be recorded in Accela regardless of method of notice of removal.
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Registered Tree Professional (RTP)

• Proposed Ordinance
  • All arborists and tree companies wishing to do work in the City, including any tree work that requires a permit, are required to become a Registered Tree Professional and must assert they will abide by the TPO.
  • There is no fee to apply.
  • Annual registration update is required at end of each calendar year.
  • Must provide documentation: ISA (International Society of Arboriculture) or RCA (Registered Consulting Arborist) certification (national), or be a licensed Forester (state).
  • Any tree survey or site plan submitted for permitting must include the signature of a Registered Tree Professional.
  • Violations are: (1st) warning, (2nd) one-month, (3rd) six-month, and (4th) 12-month suspensions from the Register.
Registered Tree Professional (RTP)

• Recommended Amendments
  • Increase period of registration to 2 years renewed on application date.
  • Excessive repeated violations (after 5\textsuperscript{th} violation) results in a 5-year suspension.
  • Unpermitted removal of any Regulated Trees counts as two violations.
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Deterrents & Enforcement

• Proposed Ordinance
  • City Arborists issue fines for illegal tree removal.
  • Fine values have not changed (limited by Georgia law).
  • Registered Tree Professional are subject to suspensions for violations.
  • Police may issue a citation for illegal tree activity.
  • Increase Arborist Staffing.
Deterrents & Enforcement

• Recommended Amendments
  • Weekend and evening enforcement procedures are needed.
  • Establish a single “exemption” process that applies overall to the TPO (as opposed to exemption variations throughout the document).

• Administrative:
  • More public education and easy to understand/accessible guides to follow TPO.
  • Add tracking number to 311 tickets for tree issues:
    • Set level of service for reply.
    • Note resolution before closing ticket.
  • Clarify penalties for citation and Standard Operation Procedures (SOPs) for police engagement, and record violation on parcel records.
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Fencing/Protection from Construction

• Proposed Ordinance
  • Chain link fencing is required only for Priority Trees in front yard during construction.

• Recommended Amendments
  • Chain link protection fixed in place required for all trees if any tree violation occurs on project site (or if developer has been cited for a tree violation within the past 2 years).
  • All preserved trees on Commercial Developments require chain link fencing.
  • Conservation Areas must be protected with chain link fencing.
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TCC: Tree Conservation Commission

• Proposed Ordinance
  • Comprised of volunteers appointed by the Mayor or the City Council.
  • Hears and rules on tree ordinance Variance requests and Appeals.
  • Determines how “financial hardship” is defined.
  • Receives financial reports related to the Tree Trust Fund (TTF).
  • Provides guidance on tree related education programs.
  • Designates and maintains Heritage Trees program.

• Recommended Amendments
  • Provide comments and recommendations to City Planning for projects to be funded by TTF.
  • TCC should provide an annual report/summary of issues raised by residents and permit holders.
  • City Planning should provide an annual report of accomplishments/outcomes funded by the TTF.
TTF: Tree Trust Fund

• Proposed Ordinance
  • Pays for planting, purchasing forests, restoration, tree care, tree education, and some staff.
  • Managed by Commissioner of the Department of City Planning.
  • Some staff will be funded by Tree Trust Fund -- not yet specified which roles and numbers.

• DDH Tree Removal Funding
  • $200,000 per year funding for financial hardship to remove DDH trees.
  • At least one replacement tree must be planted for each DDH removed.
TTF: Tree Trust Fund

- **Recommended Amendments**
  - Prioritize use of funds for:
    - Purchase and protection of Forested Land (quickly disappearing opportunity).
    - Tree planting -- set aside minimum percentage for tree planting expenses.
    - If actual expense for purchase or tree planting is less than 70% for any year, next budget must include 70% or more.
  - No more than half of all City Arborist paid from the Tree Trust Fund.
    - Other city arborists should be paid by general city funds.
    - Trigger re-evaluation of TTF staffing expenses if it reaches more than 20% of the amount of recompense collected in the previous year.
  - TCC and Department of Parks & Recreation should review and comment on TFF budgets and expenditures for proposed Public Projects.
  - **DDH Tree Removal Funding**
    - Limit to when a permanent structure is the target or prevents safe access to the home but not used for trees without target.
    - Can fund strategic pruning / removal of branches to reduce risk.
    - Return unused balance of the $200,000 to Tree Trust Fund at end of fiscal year.
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Supported Standards without Amendments

• Conservation of Forested Areas
  • Proposed: Funds the purchase and restoration of forested land for permanent conservation.

• Invasive Vine Removal
  • Recommended Amendment: Specify that cut vines should spot treated with herbicide or roots removed manually.

• Heritage Trees
  • Proposed:
    • Requires property owner’s consent.
    • Healthy Heritage Trees cannot be removed without approval of the TTC.
    • Considered Priority Trees.
## Four Session Topics

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Wrap Up

• We believe there is a path forward ... with changes.
• Contact us: greg@treesatlanta.org, judy@treesatlanta.org
• Attend your neighborhood or NPU meeting when the TPO will be discussed.
• Write or call your City Council member:
  • “The new ordinance has to save more trees and replant better, when that is not possible reccompense should increase to fund future canopy. I will support the approval of the new ordinance with the amendments recommended by Trees Atlanta. I would like the City to show the analysis from field testing the proposed ordinance will save more trees.”
• Keep informed. Sign up for Trees Atlanta newsletter.
  • treesatlanta.org/signup
• Review recordings and slides from this 4-part series.
  • Trees Atlanta’s statement of Conditional Support
  • Is the New Draft Tree Protection Ordinance Good? (Found at treesatlanta.org/news)
Thank You

Comments regarding the TPO can be emailed to:

judy@treesatlanta.org
greg@treesatlanta.org

Visit our website:
www.treesatlanta.org