

2-18-22 Email re Trees

Commissioners:

Honestly, I don't know what has been done to improve the proposed amendments to the City's Tree Ordinance, since you postponed it for that purpose in May.

It returns to you this Tuesday, February 23 and if anything, it got worse, with new problems added.

This is to again ask that you review and consider these objections to weakening the City's Tree Ordinance, and to all too much poor drafting, almost all of which I presented in my email of May 1, 2021.

How about just these four problems:

1. The Director of Development Services is provided authority to grant reduced setbacks and increased lot coverage if she decides that "will lead to the preservation of trees". How, I ask, is it even possible that there will be more tree preservation (and not less) if a larger portion of the lot is developed, out to the curb and the other lot lines?
2. The Director of Development Services is provided authority to remove a healthy tree in a public right of way if she finds that will serve the public "welfare", not just for health or safety reasons. What a huge, ambiguous loophole, which puts all such trees at risk. This also conflicts with a separate (and much better) provision allowing trees on public property or rights of way to be removed only if it "is shown to cause a public hazard or create an unsafe condition."
3. Developers are allowed to add two stories to a building beyond Code limits just for adding open space around a Grand Tree that must be preserved, except in an RSF district. This is without regard to the effect on surrounding residents and would violate height limits in the Comprehensive Plan that are also reflected in the Zoning Code (such as ten stories in the Downtown Core).
4. A huge exception is provided in the protection for Grand Trees, not present in the existing Tree Ordinance. A Grand Tree, no matter how huge and majestic, may be removed if it is "in poor health" OR if it has "significant defects in structure that cannot be mitigated with treatment." Not defects in structure which substantially threaten the tree's stability, or anything more limiting. Just "significant". And as drafted, the phrase "which cannot be mediated" fails to also modify "in poor health." Again, uncertainty in drafting which invites abuse.

Consider this article by the Purdue University Department of Forestry and Natural Resources, in which it is stated on page 2, "Every tree has some sort of defect; however, not all defects impact tree stability or indicate increased failure potential." <https://www.extension.purdue.edu/extmedia/FNR/FNR-614-W.pdf>. Look at the huge grand oak tree on Floyd Street in Arlington Park which is endearingly called "Pink Floyd." After 230 years, it's structure is not perfect. (Frankly at the age of only 70, neither is mine). Perhaps its accumulated defects (a broken branch here, a gouge there) could be deemed "significant." Does it deserve to die? The new categorization of Grand Trees as Good, Moderate and Poor, with "Poor" trees defined as described being goners, should be deleted entirely. The Ordinance already allows removal of a Grand Tree which "is in an advanced state of decline." That's sufficient.

I know that the members of your Tree Advisory Committee worked hard on the product before you, but a few days or weeks need to be taken to correct these problems and others before this weakening of the Tree Ordinance is adopted.

Again, your careful considerations will be greatly appreciated.