

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
December 5, 2019**

**SUMMARY**

A request by the City of Columbia to amend Chapter 29, Section 29-4.4(d)[Street Frontage Landscaping] and Appendix A, Section A.3 [Street Widths] of the City Code relating to applicability of street tree placement within the public right of way, tree spacing requirements, City Arborist responsibilities, and general corrections to the street width table. **(Case # 105-2019)**

**DISCUSSION**

At the March 18, 2019, Council meeting staff was requested to work with the Planning Commission to prepare amendments to Section 29-4.4(d) of the UDC pertaining to the placement of street trees within the public right of way. This request was precipitated following the final review of construction plans for one of the first new subdivisions to be constructed since the adoption of the UDC. The review resulted in a more comprehensive understanding that the current regulations contain several technical as well as practical difficulties relating to their application within a new development.

Issues such as insufficient right of way width to create a space conducive to tree survival, sight visibility concerns due to center-to-center tree spacing standards, and conflicts with other City Code provisions relating to buried utility separation were noted as issues making implementation of the current standards challenging if not impractical. Given these concerns and the direction of Council, the staff and Commission held a series of work session in which proposed revisions to the current street tree provisions were discussed. In addition to internal discussion, the City's Tree Board took this matter up at its regular meeting in September and provided the attached correspondence.

The current regulations require that street trees be placed along right of way impacted by new platting actions (i.e. new final plats or replats) regardless of right of way width. The regulations further indicated that compliance with the provisions of Chapter 24, Article V of the City Code must be met which states that there is a required 4-foot separation between any buried utility and vegetation. Given this existing regulatory language, it was determined that it is often not possible to accommodate street trees on both sides of a right of way given the current placement of gas lines which are within the right of way at the back of curb.

Acknowledging the current utility placement practice and evaluation of the space retained between the back of the curb and face of a sidewalk on all types of streets, staff presented the Commission with three potential regulatory amendment options. Each option looked at ways streets could be maintained within the right of way and the potential impacts that such retention would create. Each option also included a series of amendments designed to make administration of the regulations more responsive to unique site conditions, enhance tree survival, and ensure public safety would not be compromised.

The attached amendment represents a combination of the provisions proposed from each of the three amendment options and was arrived at by a consensus of the Commission members participating in the work session discussions. The attached amendment, if adopted, would result in the following revisions:

**1. Clarifies that the planting of street trees on both sides of a right way would be applicable to only right of way greater than 50-feet in width that is newly platted, improved with new street construction, or “redeveloped” as defined within the revised regulations.**

This recommended change was proposed after extensive discussion and consideration that without changing the current utility placement practices there would be no means by which to eliminate the conflict with Chapter 24 relating to buried utilities on at least one side of all streets 50-feet or less in width. It was further discussed that if the buried utility location was changed the space retained as a “planting strip” was likely insufficient to facilitate tree survival due to its narrow width (generally 3-5 feet) and inhospitable growing conditions as well as may increase public infrastructure maintenance costs overtime.

The impact of this recommended change would mean that street trees would only be required along both sides of streets classified as non-residential or greater (collectors or arterials). These streets typically have a minimum of 60-feet of right of way and afford larger (typically 7-17 feet) of planting area behind the curb.

The proposed revision has also been offered to clarify that a typical re-subdivisions of existing lots would not trigger the requirement to plant street trees; however, would apply to unimproved formerly platted rights of way that were undergoing new roadway construction. This added level of clarification was viewed as necessary to ensure that street tree installation was appropriately tied to the level of impact being created by the new development activity.

**2. Reduces the number of street trees required along a right of way from one tree for every 40-feet of street frontage to one tree per every 60-feet of street frontage.**

The recommended change is proposed to address practical and public safety concerns that have been exacerbated with the current provisions. As written, the intensity of tree placement creates conflicts with driveway, light pole, and utility pedestal locations necessary to serve new development – especially residential development. The proposed change will permit street tree placement to occur strategically along lot frontages without creating unnecessary conflicts or public safety issues (reduced sight lines) and would retain the goal of enhancing community aesthetics. It should be noted that street trees were not required along any platted right of way prior to 2017 and the proposed revision ensures that street tree placement will occur albeit at a less intense rate.

**3. Removes the criteria for defining the percentage of street trees that must be of large and medium species and clarifies that proposed street trees must be adhere to adopted city guidelines.**

The recommended change is proposed to allow greater flexibility in determining what type of trees (large, medium, or small) should be planted as street trees so they have the greatest opportunity for survival based on their specific planting location. The proposed change further permits the City Arborist added flexibility when working with an applicant or design profession to ensure an appropriate mixture of trees is selected to achieve the desired aesthetic improvements envision by the regulatory standards. To ensure tree diversity is retained, the regulations provide added clarity that no more than 30% of the required trees can be from a single tree species.

**4. Provides the City Arborist added flexibility to adjust the standard center to center spacing requirements, based on site conditions, to avoid public health, safety, and welfare impacts. Additionally, the provision further clarifies that the number of street trees required cannot be reduced unless otherwise provided for within Section 29-4.4(d).**

The recommended change is proposed to make clear that uniform street tree placement may not be possible in all circumstances and that the City Arborist is authorized to make adjustments administratively. The proposed revision also clarifies that the number of required street trees is not to be reduced which in turn will ensure that the required tree canopy in a specific location is not impacted, but rather redistributed to more suitable growing locations.

**5. Creates a requirement for compacted soil amendment to support tree survivability.**

The recommended change is proposed in acknowledgement of the fact that the area between the back of curb and sidewalk is often an inhospitable for tree growth due to the impacts of compacted soils. The inclusion of this provision was recommended by the City's Tree Board and is believed to be a means by which tree survival will be enhanced. Review for and verification of this provision being met is anticipated to become part of the roadway infrastructure acceptance process as administered by the Building and Site Development Division of the Community Development Department. To address potential concerns of unnecessary soil amendment and additional development costs a procedure for appeal of the requirement is contained within the provision.

**6. Removes the requirement that street trees not capable of being located within public right of way be installed on private property within the required private landscape buffer.**

The recommended change is proposed to reduce the enforcement and maintenance issues associated with requiring regulatory requirements to be met on private property. As currently written, the City would be obligated to enter private property to maintain or replace street trees – an issue for which the City is currently not staffed or funded and one that may create conflict with residents not desiring such improvements within their private property. Furthermore, the requirement to place street trees within the private landscape buffer would likely result in a conflict with the utility separation standards of Chapter 24, Article V since the private buffer is over-lapped by a required utility easement. And finally, the proposed change when considered in combination with the revision to not permit a reduction in the required number of street trees is believed no longer necessary since required trees can be relocated or clustered as site conditions may warrant.

**7. Clarifies how compliance with the provisions of Section 29-4.4(d)(2) and Chapter 24, Article 5 are to be applied as well as when a reduction in required street trees is permitted**

The recommended change is proposed so that it is clearly understood when an existing or proposed buried utility will not permit the required street trees on both sides of a right of way that the required trees will only be required on the side opposite of the where the buried utility conflict exists. Additionally, the provision provides that when such a situation arises it is permitted to reduce the total number of required street trees for the street frontage.

**8. Clarifies applicability of the provisions of Section 29-4.4(d)(2) and establishes street tree planting obligations when right of way is “redeveloped”.**

The recommended change is proposed to establish a clear demarcation between when street trees are required and when they are not required. The provision exempts previously platted or legally created lots located upon existing improved streets from the requirement of planting street trees. This exemption is intended to reduce possible burdens upon infill parcels in locations where no other street tree plantings were required and to reduce potentially unnecessary variance requests for relief from the requirements of the UDC.

The provisions further address the issue of previously platted or legally created lots that are undergoing more significant redevelopment. “Redevelopment” in this context is defined as a proposed re-subdivision plat showing existing lots or parcels that incorporate greater than 50% of the linear block frontage on both sides of a street as being redefined. When such a condition is presented for review and approval, street tree planting would be required as specified within Section 29-4.4(d)(2).

The aforementioned changes would address the current concerns associated with the provision of street trees within the public right of way. While the changes would remove street placement along right of way less than 50-feet in width it would retain street tree placement on more significant roadways that are better equipped to receive such aesthetic treatments and would further the overall objectives of community-wide beautification as envisioned by the UDC’s standards.

In addition to the proposed revisions noted above, the attached amendment also addresses technical corrections to the “Street Widths” Table of Appendix A, Section A.3. The corrections proposed address erroneous footnotes that were eliminated when the UDC was adopted and correct right of way and pavement width dimensions for “Local, residential” street that were improperly stated within the Table.

**RECOMMENDATION**

Staff recommends adoption of the revised regulations as submitted.

**ATTACHMENTS**

- Proposed text amendment (dated 11-12-19)
- Public Correspondence