

MEMO

DATE: October 3, 2019

TO: Planning Commission Members

FROM: Patrick R. Zenner, Development Services Manager

Re: Street Trees in the Public Right of Way – UDC Text Change

On March 18, 2019, the City Council directed the Commission to look at potential revisions to the UDC's provisions dealing with street tree placement within the public right of way. The request was precipitated by the staff's identification that the current standards have several technical as well as practical difficulties in effectively administering the provisions. Issues such as conflicts with other City regulatory standards, existing utility placement practices, and maintenance of trees on private property have raised questions as to the appropriateness of requiring the installation of street trees within rights of way less than those classified as "major" streets.

This topic was initially presented to the Commission at its April 4 work session. During that meeting the City Arborist and Building and Site Development Manager were present to answer technical questions and there was discussion regarding various options that could be explored to address the matter. The general consensus of the Commission, at that time, was to retain street trees as initially envisioned by the UDC along all roadway types.

Given this general consensus, staff proceeded to meet with impacted internal departments and identify potential options for a solution to the identified issues. Based on those meetings, a draft of potential regulatory changes was prepared and submitted to the Planning Commission for consideration at their August 22 work session. During the work session there was vigorous discussion regarding the recommended changes. The discussion focused primarily on the recommendation that the right of way width of residential streets be increased by a total of 10-feet and that required rear yard setback be reduced by 5-feet to address the loss of buildable lot area on each side of the right of way.

Comments offered by internal staff expressed concern that such an action would result in greater impacts to housing affordability due to increase development costs such as extended driveway aprons and utility extensions as well as raw land/lot costs due to more acreage being devoted for right of way purposes. In addition to internal staff concerns, several member of the development community

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offered comments as well that expressed reservation with the proposed changes. One recommended alternative was placing sidewalks outside the right of way in a sidewalk easement as a means of address the issue at hand.

Following this discussion staff sought direction from the Commission in an attempt to understand how the proposed revisions could be modified. Commissioners indicated that they were supportive of keeping street trees in residential area, they were willing to consider revising the spacing standards to afford flexibility, and were not supportive of the increased right of way. Based on that feedback, staff indicated it would make revisions to the proposed regulations and come back to a future work session for additional discussion.

Since the August 22 work session the City newly created Tree Board took this matter up as a discussion topic on their September 9 agenda. The attached correspondence was prepared by the Board for the Planning Commission's consideration. The correspondence offers several observations as well as recommendations on how to address the challenges that the current code provisions present. The letter offers the Commission the Tree Board's assistance in researching how other communities address this matter if desired or needed.

Given the Commission's response to the August 22 proposed changes and the recommendations offered by the City's Tree Board staff believes that two potential options exist for amending the current regulatory structure. These changes are presented in the attached mark-ups and will be fully discussed at the upcoming work session on October 10.

The purpose of presenting the options is to allow the Commission to consider the various impacts that each may have upon the different entities that rely on the UDC's regulations in the development of land. It is possible that after evaluating the options components of each may be merged into a single hybrid amendment that best achieves the UDC's intent of requiring street trees within the public right of way.

Please feel free to contact me with questions.

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