



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: March 2, 2020

Re: UDC Amendment – Street Trees in the Public Right of Way (Case # 105-2019)

## Executive Summary

Adoption of the proposed ordinance would modify the requirements for when and where street trees are required along new and redeveloped public streets. The proposed ordinance would exempt any (preliminary or final) approved after March 20, 2017 from compliance with the current street tree installation standards of Section 29-4.4 and subject such subdivisions to the proposed standards attached hereto as they proceed through the site development permit process.

## Discussion

Pursuant to City Council direction following its March 18, 2019, meeting, staff engaged with the Planning and Zoning Commission to discuss revisions to Section 29-4.4(d) of the Unified Development Code (UDC) pertaining to street trees in the public right of way. The request for amendments to this section of the UDC 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 an understanding of several technical as well as practical difficulties relating to application of the regulations within a new development.

Issues such as insufficient right of way width to create a space conducive to tree survival (particularly on 50 foot rights of way), sight visibility concerns due to center-to-center tree spacing standards (currently 40 feet), and conflicts with other City Code provisions (for example Chapter 24 Streets, Sidewalks and Public Places) relating to buried utility separation were noted as issues making implementation of the current standards challenging if not impractical. There also was discussion of the need to recognize the long standing practice of utility placement within the public right of way and the significance of this practice when considering revisions.

Following internal discussions with departmental staff and after receiving review comments from the City's Tree Board as well as outside utility providers, several draft versions of proposed regulatory changes were presented to the Planning and Zoning Commission for consideration during work sessions held on April 4, August 22, October 10, and October 24, 2019. During the October 24th work session, staff presented the Commissioners with three potential options for ordinance language.

Each option looked at ways street trees 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. Following robust discussion, the attached ordinance was prepared.

The ordinance, if adopted, would change the current regulatory standards as follows. A detailed explanation of the each change is provided for in the attached Planning and Zoning Commission staff report.

- 1. Removes the requirement for street trees be installed along public right of way 50-feet or less in width. This change will exempt street trees along all roadways classified as “residential” or lower.**
- 2. Increases the center-to-center spacing of street trees from 40-feet to 60-feet along all rights of way greater than 50-feet in width and provides clarification relating to the City Arborist’s authority to modify the center-to-center spacing standards.**
- 3. Removes the criteria establishing the percentage of street trees that must be of a specific tree species and clarifies that proposed street trees must adhere to adopted city guidelines.**
- 4. Creates a requirement for compacted soil amendment to support tree survivability.**
- 5. Removes the requirement that street trees not capable of being located within public right of way be installed on private property.**
- 6. 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.**
- 7. Clarifies applicability of the provisions of Section 29-4.4(d)(2) and establishes street tree planting obligations when right of way is “redeveloped”.**

In addition to the above points, the proposed regulatory revision would correct technical errors to Appendix A, Section A.3 [Street Widths] which were carried forward following the adoption of the UDC in March 2017. The revisions proposed correct dimensional standards for “Local, residential” streets and delete obsolete footnotes.

As discussed during the Planning Commission hearing and not reflected as part of regulatory amendment, the proposed ordinance on this topic would recommend exempting subdivisions (preliminary and final) approved after March 20, 2017, from the current UDC standards and subject such subdivisions to the proposed regulations. Such an action would ensure that all new subdivisions preparing to obtain or having already received construction plan approval are treated uniformly under new regulatory provisions.



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To date, no new subdivisions for which construction plan have been submitted and/or approved are in the process of installing street trees pursuant to the existing regulations. Approval of the recommended exemption with specific direction to revise submitted or approved construction plans to show street tree planting in compliance with the revised regulations is believed warranted.

At its December 5, 2019, meeting the Planning and Zoning Commission held a public hearing on this matter. Following the staff report and limited public comment there was Commission discussion. Concern was raised that it appeared the proposed regulation would prohibit property owners from planting street trees on residential streets and that the choice to do so should be left to them. Staff responded that the current City Code has provisions within it allowing residents to obtain permission from Public Works for such installations and that the proposed regulations would not alter those provisions.

Following Commissioner comments a motion to approve the proposed amendments, as written, was made and approved by a vote of 7-0.

A copy of the Planning and Zoning Commission staff report, proposed ordinance revisions, public correspondence, and meeting minute excerpts are attached for review.

## Fiscal Impact

Short-Term Impact: None

Long-Term Impact: Enforcement and maintenance of street tree plantings within the public right of way. Potential for increased street infrastructure maintenance costs as street trees mature.

## Strategic & Comprehensive Plan Impact

### [Strategic Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### [Comprehensive Plan Impacts:](#)

Primary Impact: Livable & Sustainable Communities, Secondary Impact: Environmental Management, Tertiary Impact: Not Applicable



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## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Adopt the regulatory changes as recommended by the Planning and Zoning Commission.