

Tree Conservation Commission Priorities for Tree Protection, 2024



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- Priority 1** Increase tree protection, reduce tree loss.
Priority 2 Adjust recompense to reflect 2024 costs.
Priority 3 Address gaps in enforcement.

Priority 1 Increase tree protection, reduce tree loss

Issues:

- Tree loss is following development patterns, and the rate of loss is increasing.
- Most tree loss is associated with single-family residential construction, over half (53%) of which is associated with demo/rebuild on the *same site*, resulting in no new units of housing (2008-18). If all single-family land followed this pattern, 37% of the city's existing canopy would be lost.
- Recent tree loss is also occurring on larger high-acreage sites as development patterns extend outside the city center.
- Tree protection requirements are not well-defined for trees in the buildable area of parcels *in all zoning categories*.
- Setback trees (in non-buildable areas) and trees on properties *adjacent* to construction, owned by others, are sometimes approved for removal though the ordinance provides no guidance for off-site tree removal.
- Subdivisions are not required to configure lots to maximize tree protection, which will have a greater impact as undeveloped land further from the city center is developed.

Priority 1 Increase tree protection, reduce tree loss

Issues (*cont*):

- Trees are removed to install dry wells, rain gardens, and other stormwater management devices, though mature trees are important “stormwater management devices.” Calculations (e.g. required capture of 1-inch rainfall) are not adjusted accordingly.
- Floor area ratio (FAR) excludes non-heated space resulting in more extensive tree loss without adding housing units.
- In many parts of the city, we are losing tree canopy without meeting other City goals such as increasing density and increasing affordability (e.g. non-heated spaces such as garages are excluded from FAR calculations, which, in effect, allows building for cars instead of people, even near transit.)
- Tree Ordinance updates and zoning ordinance updates are not being coordinated to address existing conflicts (e.g. standards for max lot coverage, planting strips, and landscape buffers, which may not be adequate to preserve or grow mature trees).
- Current lot coverage limits in most zoning areas (residential, commercial, and industrial) leave little room to preserve trees or manage stormwater if the owner chooses to develop to the maximum extent allowed.

Priority 1 Increase tree protection, reduce tree loss

Potential Solutions:

- Requirements should include minimum **tree save areas** on all properties, based upon a percentage of lot size.
- Requirements should focus on saving mature trees/priority trees and high-quality soil (e.g. trees of a certain size, such as the dbh associated with trees that are 20+ years old, at which time environmental benefits become measurable).
- Reconcile the tree ordinance with the zoning ordinance by ensuring that aspects of the City Code that address tree preservation are on equal footing with the aspects of the Code that address zoning.
 - Aspects of the code that deal with riparian buffers can serve as the model (e.g. stream buffers apply even if construction would otherwise be allowed per zoning—not every lot can be built to “maximum possible” if natural resources would be detrimentally impacted).
 - “Maximum” lot coverage and “maximum” floor-area-ratio (FAR) in Zoning Ordinance could apply only if minimum natural area/tree save area is retained. (Adequate building area could be defined to guide exemptions).

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Potential Solutions (*cont*):

- Policies, in addition to the tree ordinance, need to be adjusted to effectively preserve trees. For example, the City has explored creating a stormwater utility (like other municipalities/metro-counties) which helps incentivize smaller footprints and helps reduce externalization of cost (to the public) for stormwater management.
- If sites do not retain sufficient space and soil conditions, trees cannot be replanted, or replanted trees will not grow to maturity. Therefore, other measures, in addition to recompense, are needed to prevent tree loss.
- Stormwater management infrastructure should be counted toward impervious surface coverage. Alternatively, if each zoning category requires that a minimum square footage be preserved as “tree save area” or “natural area/undisturbed soil,” this would ensure a minimum level of tree protection and/or planting area on each site.

Priority 1 Increase tree protection, reduce tree loss

Potential Solutions (*cont*):

- Strengthen prescriptions (for trees with root impact between 20% and 33%) to ensure trees designated to be saved *are saved* by following prescriptions throughout construction and providing a report on the prescription's effectiveness. Max allowable impact should be reduced (from 33% to 20 or 25%) and/or enforced more strictly (such as requiring plans to display the minimum distance in feet/inches allowed between tree trunk and protective fencing/disturbed area).
- Revise zoning code to include unheated areas in FAR, recognizing impact of garages on the massing of structures and land disturbance, & therefore trees and potential planting areas.
- Create incentives for construction of "not-so-big houses" and multi-unit housing that conforms to existing setbacks and other requirements. Include incentives for cluster and cottage housing development with lighter ecological impact.
- Continue working to ensure that the number of affordable units (and total units) is maximized on public land (such as former AtIntata Public Housing sites), and that environmental impact is minimized.

Priority 2 Adjust recompense to reflect 2024 costs.

Issues:

- Recompense has not increased since 2003 but costs associated with planting trees have increased significantly.
- Recompense does not cover the cost of tree “replacement” (e.g. under current formula, recompense for removing a 2.5”-caliper tree would be \$175; however, the City’s cost for replanting the same tree is, on average, \$656—effectively a loss of \$481 per tree for the City). (See “fee study” for City’s tree planting cost, below).
- The larger the tree, the more benefits for carbon sequestration, stormwater diversion, and cooling. Mature trees (25+” dbh) typically cannot be “replaced” within 25+ years at any cost.
- “Maximum” recompense (calculated per acre instead of per tree) inadvertently rewards clearing of heavily forested sites, where many of our highest value forests are found. The “cap” results in deeply discounted per-tree costs (e.g. recent plan shows removal of 258 trees (2841” DBH), at a cost of \$126.35 per tree (avg 11” dbh), far less than the current cost of planting a 2.5”-caliper tree, which averaged \$656 in 2020/21. (See fee study).

Priority 2 Adjust recompense to reflect 2024 costs.

Issues (cont):

Fee Study (2020-21): The cost of tree planting (shown in 15 City contracts below) ranged from \$240 to \$1,908 per tree (avg. \$656 per 2.5"-caliper tree). Recompense, under the current formula is \$100 per tree plus \$30 per inch (equivalent to \$175 per 2.5"-caliper tree). Under current calculations, on average, the City's **deficit is \$481** per tree for every tree removed (2.5"-caliper) and replanted (2.5"-caliper).

(\$175 recompense collected - \$656 avg planting cost = \$-481)

Contract name	Contract No.	Cost/ tree	Dept.
Annual Sanitary Sewer Repair A	FC-8412A	\$240	DWM
Collier Road Outfall Sewer Improvements Phase 1 & 2	FC-1190031	\$250	DWM
Howell Mill Road Outfall Repair - Emergency	C-1051	\$250	DWM
Terrell Creek Trunk System Sewer Improvements	FC-10337	\$350	DWM
MLK Jr. Corridor Improvements, Fulton Ind. To Ollie St	FC-10213	\$403	DPW
Childress Drive Bridge Tree Replacement	PO-52105545, date: 12-21-20	\$410	ATLDOT
Annual Contract for Grn. Infrastructure and Landscape Services	FC-9187	\$450	DWM
Services Agreement for Urban Forestry	FC-8832	\$570	DPR
Oldfield Outfall Sewer Repair - Emergency	C-1051	\$650	DWM
Sewer Group Three - Small Diameter Rehabilitation - Contract B	FC-9216	\$800	DWM
Annual Sanitary Sewer Repair B	FC-8412B	\$1,000	DWM
Annual Contracts For Stormwater Upgrade and Repair Services	FC-10244A & B	\$1,057	DWM
Lenox Road Widening	FC-1190065-Group B, additional quote 7-20-20	\$1,075	ATLDOT
Sewer Group Three - Small Diameter Rehabilitation - Contract C	FC-9779	\$1,260	DWM
Sewer Group Three - Small Diameter Rehabilitation - Contract D	FC-10376	\$1,908	DWM

Priority 2 Adjust recompense to reflect 2024 costs.

Issues (*cont*):

- Ordinance does not offer incentives to subdivide land in a manner that minimizes tree loss.
- Recompense is discounted to \$5,000 per acre for trees removed in “the required construction of streets and related infrastructure” in new subdivisions or other planned developments. This provision deeply devalues trees removed for installation of roads, curbing, and beyond, providing a disincentive to design/construct roadways to maximize tree saving.

Priority 2 Adjust recompense to reflect 2024 costs.

Potential Solutions:

- Raise recompense. Correlate recompense with replanting cost.
- Define discounts (e.g. lower recompense for lower value trees, including faster growing and non-native trees). Provide incentives for design features such as retaining walls and grading limits. Reward designs that retain a min square footage natural area and maximize tree saving to the extent feasible.
- After adjustment, correlate recompense to inflation going forward, so it adjusts automatically.
- Eliminate “maximum” recompense or significantly increase requirements for tree-saving to qualify for the cap.
- Devise strong incentives for redevelopment of disturbed sites and sites with poor quality tree cover or no tree cover—such as surface parking lots, vacant multi-family sites, shopping strips.
- Adjust the zoning code to offer conservation subdivision (or cluster development) option that maximizes tree/natural area saving that will have sufficient incentives or requirements to be utilized. (Current conservation subdivision ordinance not utilized).

Priority 3 Address gaps in enforcement.

Issues:

- The Arborist Division places a hold on permitting for properties where the owner owes fines/fees for unpermitted tree removal or destruction of trees. The tree ordinance allows that tree cutters and contractors may be fined as responsible parties but collecting fines/fees is more challenging. The Tree Commission often finds the tree professional to be the responsible party, but it is difficult to hold them accountable. A few repeat offenders even assure unsuspecting homeowners that they do not need to obtain permits.
- While a \$1,000 fine (the extra amount charged per tree for illegal removals is capped by State of GA) for homeowners can be burdensome, for developers and owners of expensive properties (over \$1 million in many neighborhoods) it is more cost-effective to destroy or remove trees and pay the fine than to save trees and conform to site plans.

Priority 3 Address gaps in enforcement.

Potential Solutions:

- Re-instate the City Arborist's power to write citations so tree companies/responsible parties are required to address citation in Municipal Court. Clarify the appeal/jurisdiction in ordinance to ensure citations are heard in municipal court (and that fines are paid to Tree Trust). It would also be necessary to clarify whether correction notices may be appealed.
- Require license for tree cutters (like hairdressers). State of GA has jurisdiction (an effort to implement licensing has been pending for several years). In the meantime, utilize "preferred provider" list as incentive to learn and follow City ordinance.
- Adjusting recompense upward to cover the cost of tree planting and the lost environmental services of trees removed may help incentivize compliance, especially if discounts are offered for those who follow the law and best practices.

Other

Recommendation:

- The Tree Conservation Commission recommends tightening ordinance language to eliminate ambiguities and contradictions, add definitions, and fill other gaps. The TCC has drafts to address many of these ambiguities.
- Establish a small working group of subject matter experts to draft suggestions for needed clarifications and prepare them for public review rather than attempting to address these issues in a large stakeholder setting.
- We recommend addressing these issues *only after* solutions for the three priorities listed above are addressed.