



## MOBILE TREE COMMISSION AGENDA

JUNE 25, 2020 - 4:30 P.M.

### SPECIAL MEETING

### RESULTS AGENDA

#### MEMBERS

x	1	Louise McClelland
x	2	Jesse McDaniel, Chair
	3	<i>vacant</i>
x	4	Teresa Tessner
x	5	Evan Cox
x	6	William Rooks, Sec/Treasurer
x	7	Terry Plauche, Vice-Chair

#### STAFF

x	Urban Forestry	Peter Toler
	Alabama Power	Eric Garrett
x	Urban Forestry	Joel Potter
x	Planning & Zoning	Bert Hoffman
x	Legal	Flo Kessler

Other attendees: Debi Foster, Ramsey Sprague, Laura Barczews, Kris Enzor, Keri Coumanis, Wanda Cochran, Chris Kern, Theresa Davidson.

#### ADOPTION OF THE AGENDA

Pursuant to Governor Ivey's March 18, 2020 and April 2, 2020 proclamations, the Mobile Tree Commission has determined that an online / telephone conference is necessary to perform essential minimum functions of the Commission and necessary to respond to COVID-19.

**Motion to Adopt:** William Rooks

**Second:** Teresa Tessner

**Decision:** Approved

#### OTHER BUSINESS

##### **1. Tree Commission Unified Development Code input**

Teresa Tessner presented a review of the proposed UDC, providing written comments to fellow MTC members.

**Motion to submit comments to Build Mobile on behalf of the MTC:** Teresa Tessner

**Second:** Terry Plauche

**Decision:** Approved unanimously

## **2. Proposed Chapter 65 input**

Teresa Tessner presented a review of the proposed Chapter 65, providing written comments to fellow MTC members.

**Motion to submit comments to Build Mobile on behalf of the MTC:** Teresa Tessner

**Second:** William Rooks

**Decision:** Approved, with one member voting in opposition.

## **ANNOUNCEMENTS**

Chairman McDaniel announced that the next meeting will be July 21st. He would like the MTC members to discuss the development of a strategic plan.

**MEETING ADJOURNMENT** 5:42 PM.

Motion by Terry Plauche.

Second by William Rooks.

## Tree Commission input regarding UDC version 3

### **Major concerns:**

**"Tree protection and preservation requirements will be a new chapter of city code.** The Mobile Tree Commission and Urban Forestry's requirements will not be part of the UDC." This chapter has not been provided to the general public, and the Tree Commission has had only about a week to evaluate the proposed chapter concerning Tree Protection & Preservation. The input period for this version of the UDC should be extended to allow 30 days of review & comment once the new chapter of the city code covering tree protection & preservation (Chapter 65) is provided to the general public for comment. After viewing the proposed Chapter 65, the Tree Commission holds that requirements regarding tree protection and preservation should also be clearly delineated in the UDC so that these play an integral role in the development and planning process. Failure to include these requirements in the UDC will increase the chances that tree protection and preservation requirements currently included in the zoning ordinance are overlooked during construction planning & permitting.

The current proposed version of the UDC does not address the Tree Commission's prior concerns regarding the lack of incentives/requirements to retain heritage trees during development, or to replace heritage trees that are removed during development with heritage tree species in the landscape plan. Furthermore, the proposed code does not provide any additional size requirements for replacement trees under these circumstances. The proposed code should clearly indicate that each removed heritage tree is to be replaced by two trees of a species on the heritage trees list with a DBH of 8 inches.

Several aspects of the landscape plan evaluation, such as approval or denial of Landscaping Credits or approval or denial of Alternative Compliance, reside solely with the Director. These types of evaluations should require a mechanism for the Urban Forester to provide input.

### **Specific concerns:**

The proposed code requires at least one overstory tree per 50 ft of road frontage. This is a reduction from the current code's requirement of one per 30 ft. The code should be modified to state a minimum of one overstory tree per 30 ft, unless the planting requirements for the proposed trees from the Approved Tree List state a larger spacing distance. In no case should trees be placed at less than one per 50 ft. In this way, overstory trees can be planted at distances that will promote their optimum growth, while allowing more density in those instances where trees with smaller distancing requirements are used. Likewise, this should apply to perimeter trees.

The proposed code excludes from plant requirement calculations the portion of the perimeter that abuts commercially-zoned properties. While this seems appropriate where one commercial property abuts another similarly zoned commercial property, it is not appropriate where properties with quite disparate types of zoning intensity abut one another. Therefore, this should be modified to exclude only those portions of a perimeter that abut a like-zoned property, not the general 'commercial zoning' language.

Article 10, Section E of the proposed code should be changed to require Tree & Landscape Plans to: 1) indicate the location, species and size of existing trees with a DBH of 3 inches or more, whether they are planned for preservation or not and 2) have location, species, and DBH of all heritage and heritage live oaks indicated with trees of both types to be marked as to whether they are being retained or removed.

Comments regarding proposed Chapter 65 (replacing Zoning Ordinance Chapter 64-4 E and H)

Major Concerns:

The Tree Commission believes that removing the provisions of the proposed Chapter 65 from inclusion in the UDC will result in confusion, misinterpretation, and an overall failure to meet the objectives stated in Article I. All aspects of this proposed Chapter that apply to removal and replacement of heritage trees should be included in the UDC. Special care should be taken to ensure that the 2 for 1 replacement with heritage trees of 8 inch DBH is indicated in the landscape plan as part of the permit process and that an inspection of the site after work is completed is required to close the permit. If the Urban Forester determines that replacement trees cannot be planted elsewhere on the lot, then the cost of the replacement trees & planting are to be donated to the Tree Bank. The dollar amount equivalent for the cost and planting of an 8 inch heritage tree shall be determined each year & published by the Urban Forester.

As with the proposed ver 3 UDC, the proposed Chapter 65 does not do enough to prioritize retaining heritage trees. As currently written, for lots covered by this Chapter, in cases other than historic districts, a heritage tree may be removed to allow for any structure or improvement. There should be a mechanism in place as part of the permitting process that requires the applicant demonstrate that the structure or improvements can only be placed where a heritage tree is currently located prior to approving the removal of any heritage tree.

Specific Concerns:

Article I:

Proposed Chapter 65 applicability excludes R-1 & R-2 with an existing habitable structure unless in an historic district. Therefore, in many cases, no permit (and therefore no requirement to replace removed heritage trees) is required for heritage trees removal from private property. The recognition that removal of heritage trees in historic districts is of enough civic importance that a permit is required, even for R-1 & R-2 properties, should be extended to all properties in the proposed urban subzone. In this way heritage trees in areas which have been developed for approx. 50+ years, but have not been designated as historic districts, will require a permit for removal. The applicability language should be changed to:

The requirements of this subsection shall apply to all land, other than the public rights-of-way, and areas designated as rights-of-way, located within the corporate limits of the City of Mobile, except single-family and two-family lots in a suburban subzone with an existing habitable structure.

Article II:

The definition of heritage tree needs to clearly state that this includes any tree that is required to be planted to satisfy this code, or was planted as a requirement to satisfy the previously existing Chapter 64-4 Sections E & H.

Article V:

b. *Permit Procedure* appears to be geared to instances that would also involve a building permit. This section, as written here, should be included in the UDC so that persons being issued a building permit are aware of permit requirements for tree removal. The current

proposed ordinance does not require a field inspection, and further allows a permit to be automatically issued if it is not denied within 10 working days of receipt. All permit applications for tree removal in conjunction with issuing a building permit should require a field inspection. Failure to deny within 10 working days of receipt should NOT result in an automatic approval. This language should be removed entirely. For R-1 and R-2 properties covered by this ordinance, where tree removal is requested due to the tree being dead, diseased/injured to the extent that trimming is not feasible, or a hazard to an existing structure, the permitting procedure should cost a more reasonable \$30 per tree and allow a properly credentialed arborist to certify that the tree meets the criteria listed in subsection e. 3) of Article V.

Chapter 65 only addresses heritage tree removal or relocation. It does not clearly indicate that the provisions of Chapter 65 also apply to the pruning, cutting or trimming of heritage trees. Article V, Part 1. *Permit* should be expanded to detail the permitting process for heritage tree trimming/pruning, including cost. The cost for a tree trimming permit should be \$25 or less and cover all trimming to be done at that time, regardless of number of trees to be trimmed.

#### Article VII:

1. a. *Tree protection during construction* described does not meet ANSI standards for tree protection zones during construction. Furthermore, any tree not approved for removal should be protected during construction. The language should be changed to read: It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery, or temporary soil deposits within the tree protection zone. The tree protection zone (TPZ) extends out in all directions from the tree trunk a minimum of 0.5 ft for each inch DBH. Furthermore, no clearing, grading, or soil disturbance is to occur within the critical root zone (CRZ) which is defined as an area extending out in all directions from the tree trunk 1 ft for every inch DBH. Wherever possible the tree protection zone should extend to cover the critical root zone. No structure shall be placed within 15 ft of the CRZ, and no retaining wall shall be placed within 10 ft of the CRZ. Waiver of any of these requirements is at the discretion of the Urban Forester.
  
- c. *Tree protection during construction* should be amended to provide better protection of remaining heritage trees. The language should be changed to:  
Except for sidewalks, driveways, and streets, no person shall pave with concrete, asphalt or other impervious material within eight (8) inches per one (1) inch of DBH of any remaining heritage tree or heritage live oak tree, not to exceed five (5) feet. Installation of sidewalks, driveways, and streets over any portions of the CRZ of a heritage tree shall follow ANSI standards regarding aeration and use of paving materials to minimize root damage. Waiver of any of these requirements is at the discretion of the Urban Forester.