

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MARCH 4, 2008 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Direction for a Tree Preservation Ordinance	Resolution Ordinance Motion <input checked="" type="checkbox"/> Discussion Only	Douglas Kozlowski Communications Director

SYNOPSIS

A motion has been prepared to receive the recommendation of the Environmental Concerns Commission (ECC), which recommended development of a private property tree preservation ordinance and direct staff to bring forward the matter for general discussion as part of the 2008 Strategic Planning process.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals 2007-2012 identified *Top Quality Village Infrastructure and Facilities*. Supporting this goal is the objective *Enhance Urban Forest*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the February 26, 2008 Workshop.

Staff recommends approval of the motion to delay further discussion of this matter until the summer of 2008 as part of the Strategic Planning process. Based upon the Council's discussion staff would propose the following prior to Strategic Planning:

- Scheduling a presentation at a future Workshop meeting by the Morton Arboretum to provide information to both the public and Council regarding this matter; and
- Schedule and promote a virtual town hall meeting on the Village website to allow for public comment regarding private property tree preservation; and
- Schedule and promote a town hall meeting to allow for public comment regarding private property tree preservation.

BACKGROUND

After review with the Village Manager, staff does not recommend referral of this matter to staff for development of an ordinance at this time. Rather, staff would request a policy level discussion be held by the Council as part of the Strategic Planning process in the summer of 2008. Subsequently, if the need to review private property tree regulations is deemed a top priority by the Council relative to other community needs, further staff research could be directed as part of the Strategic Plan. Staff requests this process in recognition of the significant workload that is currently directed under the existing Strategic Plan and the need for substantial public dialogue on this issue in advance of development of a proposed ordinance.

On Tuesday, June 5, 2007, the Village Council asked the ECC to review and consider the need to regulate trees on private property. The direction was deemed to be a follow-up to the March 8, 2005, review by the Village Council of changes to Municipal Code, Chapter 24 – Trees and Shrubs. At that time, both public

and private tree preservation language was included in the ordinance. Language regarding private tree preservation was later removed and the revised ordinance was approved on May 17, 2005.

The ECC held several meetings in the later part of 2007 to discuss the merits associated with the preservation of trees on private property. With assistance from the Village Forester, the ECC reviewed tree protection ordinances from a variety of communities throughout Illinois. A survey outlining key points of these various ordinances is attached. In addition, Edith Makra, Community Trees Advocate from the Morton Arboretum, presented information on the environmental and economic benefits associated with preservation of the urban forest.

Subsequently, the ECC approved the following motion by a vote of 4-1. The motion developed as a result of the aforementioned deliberations by the ECC is as follows:

Whereas our heritage trees provide measurable, social, economic and environmental benefits that are significant, the Environmental Concerns Commission moves that the Village Council adopt a rigorous tree preservation ordinance that requires public notice to Community members of requests for tree removal and imposes appropriate fines for unapproved removals.

The ECC further recommends that heritage trees defined as specimen trees 24” and larger measured 4.5 feet above grade be subject to review and permit not withstanding any other building activity.

The minutes featuring discussions on this motion are attached.

The next step is for the Council to determine if there is consensus to direct staff to prepare a private property tree preservation ordinance for consideration. Staff would ask for a minimum of 90 days to prepare a recommended ordinance. Policy details that would be established in a recommended ordinance include:

- Definition of *Heritage* trees (e.g. *Heritage* trees could be defined as the oldest, largest and most important native component of the Downers Grove urban forest such as oaks and sugar maples over 24 inches in diameter and hickories over 18 inches in diameter)
- Determine relevance, if any, of tree canopy coverage
- Creation of a public hearing process for private property *Heritage* tree removal in the absence of building construction activity
- Determination of what level of private property improvements/building construction activity would trigger Village review of a privately prepared *Tree Survey* and *Tree Preservation Plan* (for the purpose of identifying *Heritage* trees and the impact of private property construction activities on said trees – such surveys and plans are prepared by a private, licensed arborist)
- Determination of application fees for Village review of *Tree Survey* and *Tree Preservation Plan*
- Codification that removal of private property *Heritage* trees would be permitted, however property owners would be subjected to a financial penalty when removing *Heritage* trees
- Determination of appropriate financial penalty for removal of *Heritage* trees.

