

D4. Review and discuss decision making criteria for a heritage tree removal permit related to development and/or property type and select best practices or ideas for further evaluation

- There will be improvements to the permit process that will better capture the reason for the permit
- Should there be different criteria for development vs. property care?
 - What is property care? Hazardous tree removal or single-family residence. Might be based on health of tree or encroaching.
 - Facebook took down a number of trees for development. Was that a complicated application process compared to what it would look like for the homeowner?
 - Would there be a category for something other than tree health, in the non-development space? Individual property owners can still be in the development category.
 - By trying to separate the criteria is it making things more complicated than they need to be? Needs to be clear and consistent.
 - Large-scale development is different than one lot because the approval process for each is very different.
 - Should commercial properties have a different process than residential properties (with respect to decision making criteria)? Some communities have done it this way.
 - Maybe it's not the application process where this is more of an issue, but the appeals process.
 - Clearer, less subjective criteria may be needed. It may be more subjective with respect to development, regardless of the type of development.
 - It may be hard to provide clear guidelines without knowing the particular circumstances.
 - Should we look at the two "buckets" separately (1) health of the tree, and 2) development)?
 - How are people informed to address this at the beginning of a project, in the pre-design phase?
 - How can we provide people with an up-front, transparent assessment process, which would save time, frustration and re-design costs and be more collaborative? Developers need clear guidelines so they can go forward efficiently and effectively. Currently, the criteria are very nebulous.
 - Alternatively, building envelopes and zoning codes are used in other cities that avoid the need for an additional permit process; there could be an approval process within a building envelope.
 - The arborist report is written as a requirement and evaluates the trees based on the proposed design. The suggestion is that a city-contracted arborist be involved in the design process up front.
 - Will the city have a sufficient pool of arborists to evaluate the submitted plans/site inventories? What would be the cost? Can we ask other cities how they use arborists in this way?
 - Town arborists are usually happy to come out and evaluate the health of a tree.
 - Difference between people buying lots and building for themselves

- Have we thought about reaching out to the real estate community to give prospective buyers a heads up? Disclosure about heritage trees is a requirement.
- Comes back to the criteria and how clear it is.
- We need to give the staff guidance and direction if we are asking them to rewrite the criteria. It would be good to talk with staff about what kind of guidance they need to write decision making criteria with regard to heritage tree removal.
- Where in the process do we start educating people? What is the entry point to notify them?
- Criteria to consider:
 - The canopy should be considered for both development and non-development
 - There can be property damage but not in proximity to structures. Examples: a tree growing into the eaves and how far away; a driveway, fence or walkway
 - The real issue is -- when does a tree come out?
 - Commercial vs. non-commercial and development vs. non-development
 - Making development criteria clearer
 - What decisions do we need to make, at this point? Maybe focus on very narrow decisions for the purpose of decision making. Making those sorts of choices might be pretty easy. It may be a challenge to think about the criteria if we don't know the distinctions.
 - How do other cities operate?

D5. Review and discuss the appeal regulations in the Heritage Tree Ordinance and select best practices or ideas for further evaluation

- Annually, there are approx. 700 permit applications to remove trees, 1% of the permits get denied and 60% of the denied permits get appealed. Of the appeals, 24% are related to development.
- Motion to consider that for large-scale development can the EQC be integrated into the process early?
- Conforming vs. non-conforming lots: Non-conforming go first before the Planning Commission. The appeal never happens until "everything is baked." The consideration of the tree takes place before the Planning Commission approves.
- The EQC only comes in for the appeals process.
- Certain actions require the City Council (meets 1x/mo.) in conjunction with the Planning Commission (meets 2x/mo.), which could result in long delays.
- There's general agreement to provide an appeals process.
- Should there be limitations on who can appeal?
- Should neighbors be allowed to appeal a property owner's approved permit to remove a tree?

This item was delayed to next meeting

Next steps:

- Email will go out with remaining questions
- Next meeting is November 14 to continue appeals discussion