




MEMORANDUM

DATE: 17 July 2019

TO: Planning Issues Subcommittee

FROM:  John Swiecki, Community Development Director

SUBJECT: **Update of Private Tree Regulations – Draft Ordinance No. 638**

On May 2nd, City Council held a public hearing on the draft ordinance to update the City's Tree Removal Ordinance. At the direction of the City Council this matter was referred to the Planning Issues Subcommittee for additional review. The May 2nd Council report and minutes may be referenced with the following links: https://brisbaneca.org/sites/default/files/CCAR20190502_PrivateTrees_Ord638-CH2.pdf and <https://brisbaneca.org/sites/default/files/cc050219CityCouncilMinutes.pdf>.

Concerns raised by the City Council included:

- i. Recognition of the value of trees and trying to balance that with concerns that they pose;
- ii. The potential loss of private property rights and how much discretion the City wants to have over an owner's decision to remove trees from their own property;
- iii. Whether the denial of a tree removal permit or a requirement for one-to-one replacement might have unintended consequences, especially related to fire hazards and other physical hazards;
- iv. A request to the City Attorney to clarify what "enjoyment of the property" means as applied as a finding for approval of a tree removal permit;
- v. Reconsider the criteria for what constitutes a protected tree subject to a removal permit (ie whether only certain native species of trees should be designated as protected);
- vi. Consider whether the proposed 300 foot radius for public notice is appropriate, and if physically posting on trees proposed for removal is appropriate, especially in cases where trees proposed for removal are located in a rear yard;
- vii. Cost to applicants to comply with new permit requirements; and
- viii. Whether the requirements imposed under the ordinance would discourage property owners from addressing tree problems.

The subcommittee's input on these issues and any other provisions of the ordinance will be provided to the full City Council when the ordinance is scheduled for further Council consideration.