

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: J.B. Culpepper, Planning Director
Lance Norris, Public Works Director

SUBJECT: Proposed Schedule for Public Input on Potential Tree Ordinance

DATE: September 28, 2009

INTRODUCTION

The attached resolution would endorse the proposed schedule for broad community input and feedback on potential revisions to the Town's Tree Ordinance to begin this fall. In order to allow sufficient time for input and consideration of that information we anticipate a spring 2010 public hearing.

These changes to the Tree Ordinance are proposed to achieve objectives of the Town's Comprehensive Plan and improve protection of the tree canopy in Chapel Hill. The staff is proposing a two-part public input process to inform the Council's discussion of the issue and to support the development of ordinance language that accurately reflects the community's desires for tree protection.

BACKGROUND

On February 12, 2007, in response to a petition from the Planning Board, the Town Council authorized a Request for Proposals to hire a consultant to draft substantive changes to the Tree Protection Ordinance. In November of 2007 the Council authorized the Town Manager to enter into a contract with Davey Resource Group to rewrite the Ordinance. Davey Resource Group is a division of The Davey Tree Expert Company. Work began in January 2008.

These potential changes to the Tree ordinance are the second step in a two-part approach to develop new tree protection regulations. Initial changes to tree regulations, the first step, were enacted on June 11, 2007.

CURRENT LAND USE MANAGEMENT ORDINANCE

Section 5.7 in the Land Use Management Ordinance (LUMO) contains the current Tree Ordinance. The current Ordinance regulates tree removal on non-residential properties and on single and two family lots where more than 5,000 square feet of clearing is involved. The Ordinance does not currently set standards for the amount of tree canopy that must be retained or reestablished.

DISCUSSION

Chapel Hill contains a diversity and abundance of trees. Such elements are of economic value to the Town and make it a desirable place for both residents and visitors. Trees and other landscape elements help to naturally control flooding and erosion, moderate noise pollution, dust, and other airborne pollutants, moderate the Town climate and shelter and feed its wildlife. Growth and development within the Town of Chapel Hill often necessitates the removal of trees, thereby contributing to the depletion of canopy cover. Protection and management of these valuable assets and their habitat promotes and provides for the health, safety, and welfare of citizens in Chapel Hill and its extraterritorial jurisdiction. The draft language, which has been developed for public discussion only, illustrates a possible approach to tree canopy protection.

PROPOSED PROCESS FOR COMMUNITY INPUT

The purpose of the public discussion will be to explore this topic, and to solicit input on tree canopy coverage standards, based on use and lot size, as a possible approach. We had successful experiences gathering public input while developing standards for Carolina North and we plan to model this session on those experiences. We are proposing a two-step process for collecting input on the Tree Ordinance. The proposed schedule show the steps described below.

Date	Action	Notes
Week of October 4, 2009	Distribute draft ordinance and request feedback from stakeholders	Sierra Club, arborist community, civil engineers, NCD representatives, other neighborhood groups Include information on public meeting
Week of October 4, 2009	Advertise public session	Make materials available on the town's website
Week of October 26, 2009*	Hold open public session	Provide maps, interactive explanations and collect input (written and spoken) Consultant attends to present information and assist in collecting feedback
October 21 – October 30, 2009	Staff drafts recommendations based on public input	Staff recommendations may include options for including public input.
December 2009 - January 2010	Planning Board meets to review recommendation	Planning Board makes recommendation to Council
February 15, 2010	Town Council opens Public Hearing	Council reviews staff and Planning Board recommendations

**Note: all dates subject to confirmation with consultant and staff*

The first step would be to directly solicit feedback from groups with a stakeholder interest in tree canopy protection and changes to regulations affecting tree maintenance in Chapel Hill. These groups (listed in the schedule below) would be asked to provide their input and to participate in a public information session.

A public information session (step two) would be broadly advertised, documents would be posted on the Town's website in advance of the session, and an email account would be provided for additional input. We will consider a variety of methods for sharing and gathering information at the public session.

After the public input is received it would be reviewed by Town staff and recommendations or options would be provided to the Planning Board and Council for their consideration. As described in the Planning Board memorandum of September 15, 2009, the attached draft language is not proposed for enactment but is a starting point to consider questions about how tree protection should be applied.

This process will benefit the community by identifying shared goals related to tree protection and clarifying the impacts of a revised Tree Ordinance. Later discussion will address the fiscal impacts of any recommended regulations that emerge from the public process.

RECOMMENDATIONS

Planning Board Recommendation: The Board voted unanimously to endorse the public process and schedule as proposed.

Staff Preliminary Recommendation: We recommend that the Council endorse the proposed schedule for community input hold a public hearing on a proposed Tree Ordinance, incorporating community input, in spring 2010.

ATTACHMENTS

1. September 2009 Draft Ordinance for Discussion (p. 5).
2. September 15, 2009, Planning Board Staff Memorandum (p. 22).
3. Summary of Planning Board Action (p. 24).