



MEMORANDUM

TO: Mayor Laurel Lunt Prussing and Members of the City Council
FROM: Michael J. Brunk, City Arborist
William R. Gray, Public Works Director
DATE: February 23, 2017
RE: A Change to Ordinance 2013-04-27 Legacy Tree Program to allow the inclusion of trees in fair or better condition.

INTRODUCTION

The City of Urbana established its Legacy Tree Program to help identify and preserve trees considered to be important to the community. Since the program's inception there have been 16 trees inducted into the program by the Tree Commission. There have also been a half dozen or so trees that were nominated but not considered due to not meeting the program's established tree assessment "good" condition standards. The City Arborist is recommending a change to the ordinance to allow trees in "fair" or better condition to be considered for the program.

BACKGROUND

The Urbana Legacy Tree Program/ordinance seeks to recognize a variety of the community's most prominent trees. Nominated trees are assessed by the City Arborist before they are recommended for legacy tree consideration. This assessment defines whether or not a tree meets the set standards and includes assessing location, legacy criteria, public risk and tree condition. In order to meet the tree condition standard a tree must be in "good" or better condition. Over the last several years the City Arborist has assessed several dozen trees, a percentage of which were in fair (less than good) condition and therefore not passed along for consideration. Some of these same trees were assessed with low risk ratings and were not public safety concerns. The result in at least two instances is that an interesting and well known tree that was considered safe failed the tree assessment protocol and was not passed along to the tree commission for consideration. A good example of this concern is the Friends Meeting hackberry at 1904 West Main Street standing adjacent to the southwest corner of the building (see tree photo below). The nominated hackberry is well maintained by a long standing certified arborist but due to its age and exposure to the urban elements is in less than good condition. The hackberry is deemed safe and estimated to have more good years ahead without major complications. The tree is being maintained by a professional with public safety and preservation in mind. Relaxing the legacy tree assessment standards to allow trees in fair or better condition to be considered for the program would allow trees, such as the 1904 West Main Street hackberry, to be recognized and better observed and preserved by the community. The tree commission approves of the 1904 West Main Street hackberry being recognized as a legacy tree if city council approves this ordinance change.

For reference and a basis for this recommendation, 18.2% of the city's street trees are inventoried as in good or better condition, 74% of the street tree population is listed as being in fair condition and 7.8% is listed as being in poor, critical or dead condition. The City Arborist feels it would benefit the city to

relax the tree condition standard of the legacy tree ordinance to allow all trees in fair or better condition to be considered for potential legacy tree recognition. This change better encompasses the entirety of the community's urban forest and maintains the existing risk assessment protocol of the program for public safety.

FISCAL IMPACT

The pool of trees available for the program will increase but the annual limitations for number of trees recognized will remain constant and limited by City Arborist's management and time to assess each tree. There will be no additional costs to the program due to this change.

RECOMMENDATION

It is recommended that the City Council approve the attached **ORDINANCE AMENDING URBANA CITY CODE CHAPTER 25, LEGACY TREE PROGRAM (Section 25-71 Legacy tree assessment)**.



ADMINISTRATION • ARBOR • ENGINEERING • ENVIRONMENTAL MANAGEMENT
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ORDINANCE NO. 2017-02-009

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 25, LEGACY TREE PROGRAM
(Section 25-71 Legacy tree assessment)**

WHEREAS, the City of Urbana (the "City") is a home rule unit of local government pursuant to the Illinois Constitution of 1970 (ILCS Const. Art. 7, § 6); and

WHEREAS, the City of Urbana, a municipal corporation and body politic, has adopted Ordinance No. 2013-04-27 to provide for a program to honor certain trees located within the City's boundaries which ordinance has been commonly referred to as the "Legacy Tree Program Ordinance" which has been codified in Chapter 25, "Vegetation", Article II, "Trees, Plants and Shrubs", Division 4, "Legacy Tree Program" of the Urbana City Code (hereinafter, the "Legacy Tree Program"); and

WHEREAS, the Legacy Tree Program is intended , *inter alia*, to establish a voluntary program to recognize and provide information to the public concerning and to encourage the preservation of significant trees located within the City's boundaries; and

WHEREAS, the Legacy Tree Program approved by the City Council, as currently written, includes Section 25-71 which provides:

In the event that the property owner on which the nominated tree is located provides written consent to participate in the legacy tree program, the city arborist shall conduct a legacy tree assessment which shall include:

- (1) A locale assessment to ensure the tree is visible from the public-right-of-way and note distance from overhead utilities;
- (2) A condition assessment to ensure the tree is in good or better condition and assess tree safety;
- (3) A legacy standards assessment to ascertain whether the nominated tree meets one or more of the legacy tree standards as specified below:
 - a. *Size*. The tree is in the top one (1) percent of tree sizes of its inventoried species in Urbana.
 - b. *Rarity*. One of a kind type tree due to species type, characteristic and/or a species of less than one (1) percent of all inventoried trees in Urbana.

c. *Historic or notable event.* There is a documented association with a historic event of seventy-five (75) or more years and/or a more recent event of notable worth.

d. *Age.* The tree is more than one hundred (100) years old or a minimum of seventy-five (75) years old when adjacent to a historically designated home.

e. *Special ecological value.* The tree is shown to provide soil stabilization, important genetic resource, or provides critical habitat for important plant or animal species.

f. *Location.* The tree is considered to be of public value as a prominent visual focal point as viewed from public streets and ways.

g. *Aesthetics.* The tree has a distinct or unusually appealing visual characteristic.

h. *Illinois or National Register of Big Trees.* The tree is included in the Illinois or National register of Big Trees.

By undertaking a legacy tree assessment, as defined in [this] section of this division, regarding whether a tree qualifies for legacy tree status, the city will not assess whether or not the location or the condition of the tree presents any hazard to human life, health or safety or injury to property. Property owners shall remain responsible for the care and condition of trees located on their property to assure safety insofar as conditions relating to each tree.

and

WHEREAS, the City Council deems it appropriate and necessary to amend Section 25-71 of the Urbana City Code to enlarge the pool of legacy tree candidates.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF URBANA, ILLINOIS AS FOLLOWS:

Section 1: Section 25-71 of the Urbana City Code shall be and hereby is amended such that it reads as follows:

In the event that the property owner on which the nominated tree is located provides written consent to participate in the legacy tree program, the city arborist shall conduct a legacy tree assessment which shall include:

- (1) A locale assessment to ensure the tree is visible from the public-right-of-way and note distance from overhead utilities;
- (2) A condition assessment to ensure the tree is in fair or better condition and assess tree safety;
- (3) A legacy standards assessment to ascertain whether the nominated tree meets one or more of the legacy tree standards as specified below:

- a. *Size*. The tree is in the top one (1) percent of tree sizes of its inventoried species in Urbana.
- b. *Rarity*. One of a kind type tree due to species type, characteristic and/or a species of less than one (1) percent of all inventoried trees in Urbana.
- c. *Historic or notable event*. There is a documented association with a historic event of seventy-five (75) or more years and/or a more recent event of notable worth.
- d. *Age*. The tree is more than one hundred (100) years old or a minimum of seventy-five (75) years old when adjacent to a historically designated home.
- e. *Special ecological value*. The tree is shown to provide soil stabilization, important genetic resource, or provides critical habitat for important plant or animal species.
- f. *Location*. The tree is considered to be of public value as a prominent visual focal point as viewed from public streets and ways.
- g. *Aesthetics*. The tree has a distinct or unusually appealing visual characteristic.
- h. *Illinois or National Register of Big Trees*. The tree is included in the Illinois or National register of Big Trees.

By undertaking a legacy tree assessment, as defined in [this] section of this division, regarding whether a tree qualifies for legacy tree status, the city will not assess whether or not the location or the condition of the tree presents any hazard to human life, health or safety or injury to property. Property owners shall remain responsible for the care and condition of trees located on their property to assure safety insofar as conditions relating to each tree.

Section 2: Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby and shall be re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3: This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action accrued or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4: The City Clerk is hereby directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the City Council of the City of Urbana, Illinois, at a meeting of said Council at which a quorum was present.

PASSED BY THE CITY COUNCIL this _____ Day of _____, 2017.

Ayes: _____

Nays: _____

Abstentions: _____

Absent: _____

Phyllis D. Clark, City Clerk.

APPROVED BY THE MAYOR OF THE CITY OF URBANA, ILLINOIS this _____ Day of _____, 2017.

Laurel Lunt Prussing, Mayor.