DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

memorandum

TO: Laurel Lunt Prussing, Mayor
FROM: Elizabeth H. Tyler, FAICP, Director
DATE: January 24, 2013
SUBJECT: Legacy Tree Program

Introduction

In 2011, City Council directed staff to research and recommend a program which would celebrate, protect and increase the public’s awareness of Urbana’s significant trees. The program would implement City Council Goal 5: Environmental sustainability - Strategy K: Encourage Sustainable Landscaping and Gardening:

• Establish a heritage tree program.
• Record and mark trees of significant height and growth.
• Study providing notice when a significant tree is to be removed.

The program is proposed to be named ‘Legacy Tree Program’ and is referred to as such in this memorandum. The name ‘Legacy’ was selected because the program will help us preserve and commemorate a vital historical and ecological resource, thereby creating a legacy benefiting all future Urbana residents. Please see Exhibit A for Legacy Tree Designation Criteria.

Over the past year, staff from the Community Development, Arbor and Legal departments have conducted research on various tree preservation and educational programs across the nation to identify the most appropriate and implementable direction for Urbana’s Legacy Trees. Three potential programs were identified, each having varying levels of control and predictability of outcomes. The Tree Commission reviewed these program options on January 16, 2013. The Commission unanimously recommended Option 2 as best meeting Urbana’s tree preservation and protection goals, development climate, and wider City policies. Staff concurs with this recommendation.

The Committee of the Whole is requested to review the program options and provide feedback on the most appropriate approach. Staff will use this guidance to prepare a comprehensive Legacy Tree program to be adopted by City Council.

Staff recommends launching the Legacy Tree Program as part of Arbor Day commemoration activities on April 26, 2013.
Proposed Program Goals

The Legacy Tree Program seeks to achieve the following goals:

1. Recognize and celebrate Legacy Trees throughout the City, on both private and public properties.
2. Increase public education and awareness about Urbana’s tree resources.
3. Encourage the development of an efficient, sustainable, walkable, and economically vibrant community that is sensitive to the preservation of Urbana’s Legacy Trees.

Factors Particular to Urbana

The following factors particular to Urbana ultimately impact the choice of program:

• Urbana highly values public participation and public education.
• Urbana’s development rate is relatively stable with only 2 to 3 potentially Legacy Trees being removed each year.
• Urbana’s real estate market and public policies encourage infill development which could potentially overlap or conflict with the City’s interest in protecting trees on private property.

Existing City Tree Programs

Street and other City trees are already managed and afforded a reasonable amount of protection through the following City practices:

• Plan review for new developments: As part of the building permit plan review process, the City Arborist identifies City trees which may be damaged during construction or underground utilities installation. These trees must be protected in a manner as advised by the City Arborist.
• A permit is required to plant, treat, prune, remove or otherwise disturb any tree located on city-owned property.
• If a violation of Chapter 25 (Vegetation) of the Urbana Municipal Code results in the injury, mutilation or death of a tree located on city-owned property, the party in violation must bear the cost of replacement or repair as determined in accordance with the latest revision of “A guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens” published by the International Society of Arboriculture.

Additionally, as per our Zoning Ordinance, the following landscaping requirements apply to private developments:

• New and expanded parking lots with over 20 spaces are required to have one tree per nine parking spaces in the parking lot. Existing trees may satisfy the planting requirement if approved by the City Arborist.
• A landscaping buffer is required in side and/or rear yards of a property when the zoning designation of the subject property is different than the zoning designation of the property immediately adjacent.
• Landscaping can be used to fulfill the Zoning Ordinance screening requirements for screening off-street parking areas, non-refuse storage areas, trash containers, mechanical equipment and outdoor storage.
Case Studies

Staff conducted research on Tree Programs in other communities to identify best practices.

Case study cities in our immediate vicinity included Bloomington, Normal, Champaign and West Lafayette. While none of these communities have a protection or educational program for private and City Trees, they all expressed interest in establishing a similar program in their community. The cities of Seattle, WA; Portland, OR; N. Barrington, IL; Crystal Lake, IL; and Highland Park, IL have some type of tree protection and education program. Key characteristics are described in Exhibit B.

We found that community programs with a commemoration and public awareness focus typically require nomination and owner consent before designation. These communities include cities such as Seattle and Portland. Suburban communities affected by a significant reduction in tree canopy over the years have adopted stricter tree protection programs which make it illegal to remove all trees meeting certain size and species criteria.

Program Options for Consideration

Based on the program goals and factors particular to Urbana, and given existing City ordinances and programs, three potential options were identified for Urbana. Each option has different levels of control and predictability of outcomes. All three options require owner consent, are ultimately educational and voluntary and incentivize property owner participation.

OPTION 1: HONORARY AND EDUCATIONAL

- Honorary designation of Legacy Trees on private and City property by the Tree Commission or City Arborist with owner consent initially required.
- City designation would not protect trees, and removal of healthy designated trees by the owner would not require city review or approval.
- The City would support preservation of legacy trees through public awareness programs and low-cost incentives for owners of Legacy Trees.

Benefits:
- Most property owner participation likely of the three options.
- Least likely of the three programs to stifle infill development and redevelopment.
- The City is not in the position of deciding the value of particular trees on behalf of the public in situations involving the removal of a designated Legacy Tree.
- This program could be a completely administrative program. It need not be an ordinance.

Drawbacks:
- There is no public input when a designated Legacy Tree is removed.
- There are practical difficulties in maintaining a Legacy Tree database due to limited monitoring of private removals.
• The community could potentially become invested in a Legacy Tree and be disappointed if it is removed with no replacement or public hearing to discuss the significance of the tree in question.
• Least predictable tree preservation outcomes of the three options.

OPTION 2: ADVISORY PUBLIC INPUT (RECOMMENDED)

• Honorary designation of Legacy Trees on private and City property by the Tree Commission with owner consent initially required. Designations recorded annually in the County Recorder’s office.
• Thereafter, removal of healthy Legacy Trees by existing or future property owners would require an advisory public hearing before the Tree Commission with public notices to neighbors. Review would simply be advisory for the property owner. Dying or dead trees, as judged by the City Arborist or third party arborist, could be removed without a hearing.
• Removing a healthy designated Legacy Tree would require mitigation by contributing a reasonable replacement fee into the City Street Tree Fund, for replanting of street trees in the vicinity, to the extent practicable. The recommended mitigation contribution will be a flat fee per inch of diameter of the removed tree, capped at a reasonable amount.
• The City would support preservation of legacy trees through public awareness programs and low-cost incentives for owners of Legacy Trees.

Benefits:
• The advisory public input option remains true to the core intention of this voluntary program whose primary focus is on education and secondary focus is on preservation.
• Voluntary opting-in and maintaining public involvement in the procedure of removing a designated Legacy Tree in the future is un-burdensome for the property owner.
• The City is not in the position of deciding the value of particular trees on behalf of the public in situations involving the removal of a designated Legacy Tree.
• Legacy Trees are commemorated and the community has a platform to voice their opinion in situations involving the removal of Legacy Trees.
• City staff resources are focused on education and commemoration, rather than enforcement and contentious situations.

Drawbacks:
• Program outcomes are not fully predictable in terms of property owner participation rates and preservation outcomes for Legacy Trees.

OPTION 3: PUBLIC PROTECTION PROGRAM

• City designation of Legacy Trees on private and City property with owner consent initially required, and designations recorded annually in the County Recorders' office.
• Thereafter, tree removal by existing or future property owners would require review and approval by either the Tree Commission for public review or City Arborist for administrative review via a Tree Removal Permit.
• The criteria to allow removal could include death or disease of the tree and the inability to develop the property without damaging the tree such that its survival would be unlikely. An
appeal of approval or denial could be heard by the City Council.

- Removing a healthy designated Legacy Tree would require mitigation by contributing a replacement fee into the City street tree fund, for replanting of street trees in the vicinity, to the extent practicable. The recommended mitigation contribution will be a flat fee per inch of diameter of the removed tree, capped at a reasonable amount.
- Any activity without the approval of the Tree Commission or City Council, resulting in the injury, mutilation or death of a designated Legacy Tree, will require the party in violation to bear the cost of replacement or repair as determined in accordance with the latest revision of “A guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens” published by the International Society of Arboriculture.

Benefits:
- Most predictable outcomes of the three options in terms of property owner participation rates and preservation outcomes for Legacy Trees.
- In addition to protection of Legacy Trees, the public process for tree removal can include consideration of other City goals and policies in a public hearing to remove a tree, including needs to infill development, walkability, economic development, and the need to protect property rights and property values.

Drawbacks:
- Lower property owner participation rates are likely. Many property owners would likely not want to restrict future use and potential sale of the property.
- The option puts the City (either staff or the Council) in the position of deciding the value of particular trees on behalf of the public. The criteria for removal can be very subjective.
- Requires City enforcement.

Potential Program Funding

Staff has identified the following preliminary sources of funding for the program:
- A suggested modest donation (donation options $15, $20, $25 or ‘other’) at the time of nomination.
- Community donations through a Legacy Tree Program fundraising campaign which will include distribution of promotional material, for example, a calendar with photographs of Urbana’s Legacy Trees and the sale of higher quality plaques for designated trees.
- Contribution to the City Street Tree Fund for removing a healthy designated tree in program Option 2 and Option 3.

Discussion

Each proposed option provides varying degrees of control and is likely to have different outcomes in terms of program participation and preservation of Legacy Trees. These differences are summarized below.
### Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Option 1: Honorary and Educational</th>
<th>Option 2: Advisory Public Input (Recommended Option)</th>
<th>Option 3: Public Protection Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the program voluntary?</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Expected Participation</td>
<td>High</td>
<td>Moderate</td>
<td>Low</td>
</tr>
<tr>
<td>Predictability of outcomes</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
</tr>
<tr>
<td>Congruence with program priorities?</td>
<td>Moderate</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Congruence with Protection goals</td>
<td>Low</td>
<td>Moderate</td>
<td>Low (since low voluntary participation anticipated)</td>
</tr>
<tr>
<td>Congruence with Education goals</td>
<td>High</td>
<td>Moderate</td>
<td>Low (since low voluntary participation anticipated)</td>
</tr>
<tr>
<td>Ease of future development</td>
<td>Very Easy</td>
<td>Moderately easy</td>
<td>Difficult</td>
</tr>
<tr>
<td>City put in the position to make subjective valuation of trees on behalf of the public</td>
<td>No – no city protection</td>
<td>No – purely advisory</td>
<td>Yes – City makes final decision</td>
</tr>
<tr>
<td>Public involvement in Legacy Tree removal</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
</tr>
<tr>
<td>Potential to consider other city goals and policies in relation to tree removal</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
</tr>
<tr>
<td>Level of Enforcement</td>
<td>Low</td>
<td>Moderate</td>
<td>High</td>
</tr>
</tbody>
</table>

### Staff Recommendation

At their January 16, 2012 meeting, the Urbana Tree Commission, by a unanimous vote recommended **OPTION 2: ADVISORY PUBLIC INPUT** as best meeting Urbana’s tree preservation and protection goals, development climate, and wider City policies. City staff concurs with this recommendation. This option encourages participation in the program while allowing for advisory public involvement in Legacy Tree removal.

The Committee of the Whole is requested to review the proposed program options and provide feedback on the most appropriate approach for Urbana. Staff will use this guidance to prepare a comprehensive Legacy Tree Program and ordinance to be adopted by City Council with an anticipated Arbor Day (April 26, 2013) program launch.

Prepared by:

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Aditi Kambuj, Planner I

Attachments: Exhibit A: Legacy Tree Designation Criteria and Designation Process  
Exhibit B: Case Studies  
Exhibit C: Sample Nomination Form  
Exhibit D: Participation Benefits
Exhibit E: Evaluation Criteria

Draft Minutes of January 16, 2013 Tree Commission Hearing

Exhibit A
Legacy Tree Designation Criteria
Any tree growing on City or private property in Urbana that may be evaluated to be a Legacy Tree on account of fulfilling one or more of the following requirements:

- **Size:** Trees having a 48 inches and larger diameter at breast height and/or in the top one percent of tree sizes.
- **Rarity:** One of a kind tree due to species type or other characteristic and/or all tree species that make up less than one percent of the tree population.
- **Historic or notable event:** Any documented association with a historic event of 75 or more years and/or a more recent event of notable worth.
- **Age:** All trees that are potentially 100 years old based on average comparison of species by circumference and/or a minimum of 75 years old when adjacent to historically designated homes.
- **Special Ecological value:** For soil stabilization, important genetic resource, or provides critical habitat for important plant or animal species.
- **Location:** Any tree considered a valued focal point as determined by City Arborist and/or known locally as a landmark or association with a landmark.
- **Aesthetics:** Any tree with a distinct or unusually appealing visual characteristic.
- Any tree recognized by the Illinois Big Tree Register or the National Register of Big Trees.
- A Notable Tree so recognized in the Urbana Public Tree Inventory.

**Designation process**

**Step 1: Nomination**
Any Urbana resident or business owner can complete and submit a nomination form available on the City’s website or through Public Works, to the City Arborist (Exhibit C).

**Step 2: Owner Consent**
The City Arborist or his or her designee will then contact the property owner to inform them about the nomination, details about the Legacy Tree Program and participation benefits (Exhibit D). The property owner’s consent to the nomination and potential designation will be required in writing. If the nominated tree is on City property, the Public Works Director’s consent will be needed.

**Step 3: Evaluation**
The Tree Commission and the City Arborist will then visit the nominated tree and evaluate its potential to be designated as a Legacy Tree. Each Tree Commissioner will individually evaluate the tree (Exhibit E). The Tree Commission will vote on the nomination at their next meeting. A majority vote is required for a tree to be designated.

**Step 4: Commemoration**
If designated as a Legacy Tree, City staff will coordinate commemoration activities and participation benefits.

**Removing a designated Legacy Tree**
This will depend on the program option adopted.
### Exhibit B
#### Case Studies

<table>
<thead>
<tr>
<th>Location</th>
<th>Case Study Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enfield, OH</td>
<td>Historic Tree: Specific Species and above a certain Diameter. Trees are protected by a specific ordinance.</td>
</tr>
<tr>
<td>Cleveland, OH</td>
<td>Trees are protected by a specific ordinance.</td>
</tr>
<tr>
<td>Columbus, OH</td>
<td>Trees are protected by a specific ordinance.</td>
</tr>
<tr>
<td>Youngstown, OH</td>
<td>Trees are protected by a specific ordinance.</td>
</tr>
<tr>
<td>Bellingham, WA</td>
<td>Trees are protected by a specific ordinance.</td>
</tr>
</tbody>
</table>

### Suggested Reading
- "Historical Trees: Specific Species and above a certain Diameter. Trees are protected by a specific ordinance." (609x39)
- "Trees are protected by a specific ordinance." (90x709)
Exhibit C
Sample Nomination Form

LEGACY TREE NOMINATION FORM

Anyone may nominate a tree. The owner’s consent is needed for Legacy Tree designation. To nominate a tree, fill out the following and return to the Public Works Division. Please print legibly.

Nominator’s Name:  
Address:  
City:  
Phone:  
Today’s Date:  
State:  
Zip:  
Email:  

How did you learn about the Legacy Tree Program?  

Suggested Donation to the City Street Tree Fund*  
☐ $15  
☐ $30  
☐ $50  
☐ Other ______

* Thank you for your commitment and contribution. It sustains and strengthens Urbana’s trees and the Legacy Tree Program.

Tree Species/ Common Name (If Known):  

Please indicate if this nomination is for an individual tree or a group of trees. Use a separate page for each tree or one page for a group nomination.

Location of the tree in Urbana: (address and nearest cross streets)  

If possible, please attach a photo of the tree and a map showing the tree on the site. Indicate which direction is North.

Owner’s Name:  
Owner’s Address:  
City:  
Phone:  
State:  
Email:  
Zip:  

Measured or Approximate Size:  (Diameter of the Trunk at 54 inches above ground)  

Height:  

Why is this tree special?  

☐ Size  
☐ Rarity  
☐ Historic or notable event  
☐ Age  
☐ Special Ecological Value  
☐ Location  
☐ Aesthetics  
☐ IL/ US/ World Champion Designation  

If you have questions about this form, call (217) 384-2342

Urbana Public Works  
706 S. Glover Ave.  
Urbana, IL 61802  
http://urbanaillinois.us/departments/public-works

Nominating a tree provides recognition of a tree’s intrinsic worth and value to the community
Exhibit D
Participation Benefits*:

Property owners who will consent to designation will be offered the following benefits:

1. Designated Legacy Trees will be added to a walking tour map available on the City’s website, in print, and on mobile phone applications.
2. Designated Legacy Trees will be added to an online tree database which will include information on the tree’s ecology, species, location and other special characteristics.
3. The property owner will receive a certificate recognizing their support of Urbana’s Legacy Trees.
4. A plaque will be placed near the tree on the public right-of-way.
5. The City will deliver free mulch for the tree from the Landscape Recycling Center, up to a maximum of five cubic yards.
6. The property owner will be eligible to receive free tree care advice from the City Arborist.
7. If Option 3 (Public Protection Program) is adopted, the City can grant an administrative reduction in parking area to be located within the drip-line of the tree.

Additionally, for owners who are interested in protecting Legacy Trees on their property for perpetuity, the City will provide boilerplate language for creating a conservation easement with a local land trust (For e.g. Grand Prairie Friends).

*Benefits will be updated on an annual basis to accommodate availability of City resources.
Exhibit E
Legacy Tree Evaluation Form

<table>
<thead>
<tr>
<th>LEGACY TREE EVALUATION FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluator:</td>
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<tr>
<td>Nominator:</td>
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<tr>
<td>Phone:</td>
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<tr>
<td>DBH:</td>
</tr>
<tr>
<td>Height:</td>
</tr>
<tr>
<td>Crown Spread:</td>
</tr>
<tr>
<td>Distance From Property Line:</td>
</tr>
<tr>
<td>Yard Location:</td>
</tr>
<tr>
<td>Tree Species:</td>
</tr>
<tr>
<td>Owner:</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>Owner Phone:</td>
</tr>
<tr>
<td>Neighborhood:</td>
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<table>
<thead>
<tr>
<th>HEALTH AND CONDITION ASSESSMENT</th>
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</thead>
<tbody>
<tr>
<td>Rating 1-5 for each factor (1 low - 5 high) Comments</td>
</tr>
<tr>
<td>Crown and structural condition:</td>
</tr>
<tr>
<td>Scaffold branches:</td>
</tr>
<tr>
<td>Annual shoot growth:</td>
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<tr>
<td>Foliage:</td>
</tr>
<tr>
<td>Trunk condition:</td>
</tr>
<tr>
<td>Competition:</td>
</tr>
<tr>
<td>Root flare/distribution:</td>
</tr>
<tr>
<td>Pruning history:</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>LOCATION VALUE</th>
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</thead>
<tbody>
<tr>
<td>Indicate yes or no Comments</td>
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<tr>
<td>Specimen quality</td>
</tr>
<tr>
<td>Historic</td>
</tr>
<tr>
<td>Public visibility</td>
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<tr>
<td>Habitat value</td>
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<tr>
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<tr>
<td>Rare</td>
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<tr>
<td>Unusual form</td>
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<td>Other</td>
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<table>
<thead>
<tr>
<th>RISK ASSESSMENT</th>
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<tbody>
<tr>
<td>Probability of Failure</td>
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<tr>
<td>Low 1</td>
</tr>
<tr>
<td>Medium 2</td>
</tr>
<tr>
<td>High 3</td>
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<tr>
<td>Severe 4</td>
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| ABATEMENT RECOMMENDATIONS: |

<table>
<thead>
<tr>
<th>RECOMMENDED FOR LEGACY TREE STATUS:</th>
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<tbody>
<tr>
<td>YES OR NO</td>
</tr>
<tr>
<td>Circle appropriate category:</td>
</tr>
<tr>
<td>Legacy Siso Tree</td>
</tr>
<tr>
<td>Legacy Historic Tree</td>
</tr>
<tr>
<td>Legacy Aesthetics Tree</td>
</tr>
<tr>
<td>Legacy Age Tree</td>
</tr>
<tr>
<td>Legacy Notable Tree</td>
</tr>
<tr>
<td>Legacy Rare Tree</td>
</tr>
<tr>
<td>Legacy Ecology Tree</td>
</tr>
</tbody>
</table>

| COMMENTS: |

12
City of Urbana, Illinois

Minutes of the Urbana Tree Commission Special Meeting

Wednesday, January 16, 2013
1:30 P.M.

Members Present: Jeff Dawson, Barbara Anderson, Stewart Berlocher, Thom Fehrmann, Michael Stevenson,

Members Absent: Darin Eastburn

Staff Present: Michael Brunk, City of Urbana Arborist
Bruce Cubberley, City of Urbana Arbor Division Manager

Others Present: Robert Myers, City of Urbana Planning Manager
Aditi Kambuj, City of Urbana Planner I

Call to Order

The meeting was called to order at 1:41 pm.

Introduction of Commission Members

Stewart Berlocher, Entomology Professor at the University of Illinois, was introduced and welcomed as the newest Commissioner.

Approval of Meeting Minutes

There were no minutes presented for approval. The minutes from the December 5, 2012 meeting are still pending approval.

Public Input

There was no public input.

Legacy Tree Program Options Review

Aditi Kambuj gave a presentation on the proposed Legacy Tree Program that could recognize and celebrate historically and ecologically significant trees within the Urbana community. The impetus behind the creation of this program comes directly from City Council goals. Kambuj discussed three program options detailing the benefits and drawbacks of each. City Staff working on this proposal gave their recommendation for Option 2 which is as follows:
Advisory Public Input Option
- By owner consent (not burdensome on the owner)
- Incentives to participate
- Honorary designation (public awareness and preservation)
- Annual recording in County offices
- Removal requires notice, public hearing, and possible mitigation fee

Additionally, in the presentation, designation criteria were listed as well as nomination and evaluation forms. The Commission then discussed. Anderson moved to formally endorse support for Option 2 to the City Council, Stevenson seconded, and the motion was passed by a voice vote. The votes were as follows:

Anderson – aye Berlocher-aye Brunk-aye
Dawson-aye Fehrmann-aye Stevenson-aye

**Old Business**

There was no old business to discuss.

**New Business**

Berlocher informed the Commission concerning research he was currently involved with measuring tree rings, size, and the age of trees at Crystal Lake Park. He asked Brunk if there was a way to utilize the City removals for age analysis. Brunk agreed to discuss the matter further.

**Adjournment**

There being no further business to discuss, Fehrmann moved to adjourn. The meeting was adjourned at 3:06 p.m.

Kate Brickman for Femi Washington, Recording Secretary
Tree Commission