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RESOLUTION NO. 2015-14

A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING REVISIONS TO THE CITY TREE REMOVAL POLICY AND PROCEDURES

WHEREAS, City Trees provide a valuable asset to the Community by beautifying neighborhoods, providing more oxygen and better air quality, reducing noise pollution and increasing property values; and

WHEREAS, City Trees are the property of the City of Albany; and

WHEREAS, it is a priority of the City of Albany to preserve, protect, maintain and expand the City's inventory of trees; and

WHEREAS, the City Tree Removal Policy and Procedures were established in 2003 to provide guidelines for emergency and non-emergency City Tree removals and were revised in 2007 by Resolution No. 07-05; and


WHEREAS, the City's Park & Recreation Commission conducted a review of the City's Tree Removal Policy and Procedures, providing recommended updates to the policy; and

WHEREAS, the proposed revisions to the City Tree Removal Policy are intended to update the policy to clarify staff responsibilities, correct formatting and make it easier for applicants to read and follow, and revise particular areas of the policy related to the administration and authorization for a City street tree removal; and

WHEREAS, the City Tree Removal Policy and Procedures shall be reviewed by the Parks and Recreation Commission once every two (2) years.

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NOW, THEREFORE, BE IT RESOLVED, that the Albany City Council hereby approves the revisions to the City Tree Removal Policy and Procedures as recommended by the Parks and Recreation Commission, and included as an attachment to this Resolution.



PETER MAASS, MAYOR



CITY TREE REMOVAL POLICY AND PROCEDURES

Definitions:

For this policy, “City Tree” refers to any tree on public property owned by the City of Albany with a diameter of at least three (3) inches and at a point of at least four (4) feet from the ground.

For this policy, “Urban Forester” refers to the Department of Public Works Urban Forester or an authorized designee from the Public Works Department.

Purpose:

This policy provides guidelines for City Tree removals. It shall be applied with the following considerations:

1. Acknowledges the benefits that City Trees provide to all residents of the City, and
2. Preserves the City’s urban forest by retaining existing City Trees whenever possible.

Section 1: Emergency City Tree Removal

- a) Any City Tree, which poses a clear and imminent danger to the safety of the general public as determined by the Urban Forester, may be removed without the prior notice or issuance of a City Tree Removal Permit.
- b) Any City Tree, which is removed as an Emergency City Tree Removal, shall be reported in writing within 60 (sixty) days to the Recreation and Community Services Director who will report to City Council and to the Parks and Recreation Commission.
- c) Any City Tree, which is removed as an Emergency City Tree Removal, shall be replaced by the City. The City will cover the cost of emergency tree removal and replacement.

Section 2: Non-Emergency City Tree Removal

Any City Tree which does not pose a clear and imminent danger to the safety of the general public as determined by the Urban Forester shall not be removed without the issuance of a City Tree Removal Permit as approved by the Parks and Recreation Commission pursuant to the following procedures:

2.1 Non-Emergency City Tree Removal Criteria

No permit to remove a living City Tree may be issued unless one or more of the following criteria is met:

- a) The City Tree is determined by the Urban Forester to be damaged, diseased, or borer infested beyond reclamation.

- b) The City Tree, due to its own physical condition, is determined by the Urban Forester to be an unacceptable risk to the City.
- c) The City Tree, at the time of the request for removal, has damaged the adjacent sidewalk to an extent that constitutes a tripping hazard and the City Tree has caused the property owner to repair the subject sidewalk on at least one (1) previous occasion, as proven by documentation or determined by the Urban Forester's inspection.
- d) The City Tree, at the time of sidewalk repair, is determined by the Urban Forester to require severing of roots that will either cause immediate death or instability to the tree. Additionally, it has been determined by the Parks and Recreation Commission that alternatives of realigning the sidewalk or other practices in order to retain the tree are neither reasonable nor cost-effective.
- e) The City Tree is determined by the Parks and Recreation Commission or the Urban Forester to be detrimental to the public safety or materially injurious to the property, improvements, or utility services in the vicinity.
- f) The City Tree has been identified for removal as part of a City-approved project and/or has been determined by the Parks and Recreation Commission to be in conflict with the best use of a park.

2.2 City Tree Removal Permit Process

- a) Applications for a City Tree Removal Permit shall be filed with the Department of Public Works, attention of the Urban Forester or by the Urban Forester on the prescribed form.
- b) The Parks and Recreation Commission may approve or deny an application for a City Tree Removal Permit in a public meeting conducted in accordance with the public notice and meeting procedures described in this policy.

2.3 Application Requests from Property Owners:

Only the owner of the property that fronts the City Tree is eligible to apply for a City Tree Removal Permit.

- a) Application requests shall be reviewed by the Urban Forester within fourteen (14) calendar days of receipt.
- b) Within thirty (30) calendar days the Urban Forester will examine the subject City Tree, the surrounding improvements, and if applicable, the Department of Public Works' records in regards to the tree for conformance with the criteria specified under Section 2.1. Findings from such review shall be documented in the Urban Forester's Staff Report to the Recreation and Community Services Director.

- c) Recreation and Community Services Director shall provide the application and accompanying Urban Forester Staff Report to the Parks and Recreation Commission.

2.4 Application Requests from the Community Development Department:

- a) Applications for a City Tree Removal Permit may be directly submitted by the Community Development Department to the Parks and Recreation Commission in cases such that the City accepts responsibility for removing and replanting the tree.
- b) Application requests shall be reviewed by the Community Development Director to ensure proper conformance with policy. Findings from such review shall be documented in a Community Development Staff Report to the Parks and Recreation Commission.
- c) Community Development staff shall provide the application and accompanying Urban Forester Staff Report to the Parks and Recreation Commission.

2.5 Public Meeting Required

- a) The Recreation and Community Services Department shall send a notice of the public meeting by mail at least fifteen (15) calendar days before the meeting to the following persons:
 - 1) The property owner having made the request (if applicable).
 - 2) Adjacent property owners within a 150-foot radius of the City Tree.
 - 3) City Council (via email).
- b) The public meeting notice shall contain not less than the following information:
 - 1) The location of the City Tree for which the removal request is made.
 - 2) The applicable criteria for Non-Emergency City Tree Removal as stated in Section 2.1.
 - 3) The date, time, and location of the public meeting of the Parks and Recreation Commission to consider the City Tree Removal Permit.

2.6 Posting of the City Tree Required

The Urban Forester shall place a public meeting notice conspicuously on the City Tree at least fifteen (15) calendar days prior to the public meeting of the Parks and Recreation Commission to consider the City Tree Removal Permit. The property owner must notify the Urban Forester if the public meeting notice is no longer visible.

2.7 Action by Parks and Recreation Commission

At a regular meeting, after considering the findings of the Urban Forester and any public testimony, the Commission shall vote to approve or deny the Tree Removal Permit. The

applicant, if not at the meeting, will be notified via mail or email of the Commission's decision within ninety-six (96) hours of the meeting.

The City will be responsible for the cost of tree removal and tree replacement. The applicant will be responsible for the cost of sidewalk repair and replacement (see Section 3).

2.7.1 Vote to Approve the City Tree Removal Permit Application:

- a) By confirming the findings of the Urban Forester's Staff Report recommending approval on the City Tree Removal Application; or,
- b) By overriding the findings of the Urban Forester's Staff Report recommending denial of the City Tree Removal Application.

If the tree removal application is approved by the Commission, the tree will be replaced with a new City Tree in accordance with the City's Tree Planting Policy, wherever feasible, and not in conflict with the best planting season for the tree. The new tree will be planted within sixty (60) days of the removal of the subject tree, during the earliest possible scheduled City Tree Planting, or during a park enhancement project per an approved park plan, whichever is sooner.

2.7.2 Vote to Deny the City Tree Removal Permit Application:

- a) By confirming the findings of the Urban Forester's Staff Report recommending denial of a City Tree Removal Application; or,
- b) By overriding the findings of the Urban Forester's Staff Report recommending approval of a City Tree Removal Application.

2.8 Appeal of Parks and Recreation Commission Decision to City Council:

Appeal of the Parks and Recreation Commission's decision in regards to a City Tree Removal Permit application must be submitted to the City Council within fifteen (15) calendar days following the action of the Commission.

If an appeal is filed within the time limit specified, the City Tree shall not be removed until after the City Council has considered the appeal and approved the City Tree Removal Permit application.

The processing of the appeal shall be as follows:

1. Form of Appeal: The appeal shall be in writing on the prescribed form.
2. Appeal Fee: The appeal shall be accompanied by an appeal fee as set forth in the City's Master Fee Schedule establishing fees for City Permits and Services.

At its discretion, the City Council may consider an appeal of the Parks and Recreation Commission's decision beyond the fifteen (15) day deadline if they determine extenuating circumstances apply that prevented a timely appeal from the applicant.

No City Tree Removal Permit shall be issued until the fifteen (15) day appeal period has elapsed and no appeal has been properly filed.

2.9 Action by the City Council

The appeal of the decision by the Parks and Recreation Commission shall be heard at the earliest possible regularly scheduled Council Meeting.

Public notice of the Council meeting shall include the same notification as set forth in Sections 2.5 and 2.6.

After considering public testimony and the findings of the Urban Forester and the Parks and Recreation Commission, the City Council shall determine if the City Tree Removal Permit Application will be accepted or denied. The decision of the City Council shall be final.

Section 3: Sidewalk Repair

The property owner is responsible for arranging the sidewalk repair by a qualified contractor. That contractor, as directed by permit requirements, will contact the Urban Forester once the concrete is removed. The Urban Forester will then inspect the area and will prescribe sidewalk repair. During the tree root inspection, the Urban Forester will prescribe sidewalk repair with respect to the tree and roots. The cost of sidewalk repair, including root pruning will be borne by the property owner. If the tree is to be removed as directed by the Urban Forester, the city bears the cost of removal and replacement of the City tree. It is recommended that all sidewalk repair documentation be kept in the property owner's records.

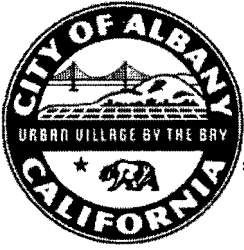
When considering an application to remove a City Tree due to sidewalk repair, realignment of the sidewalk within the city right-of-way or use of alternative sidewalk surfaces as allowed by City ordinance must be considered before approving the removal permit application. Where realignment of the sidewalk, or an alternative sidewalk surface is practical and will save the tree (as determined by the Urban Forester and the Parks and Recreation Commission), the City Tree Removal Permit Application may be denied, and the plans for sidewalk repair will need to be reviewed by the Urban Forester to ensure preservation of the City Tree.

Section 4: Review of Policy

This policy shall be reviewed by the Parks and Recreation Commission at least once every two (2) years. Review will ensure that policy is consistent with the city's strategic plan and is in line with the purpose of this policy.

Section 5: Disclosure of Policy

This policy shall be disclosed to, and a copy provided to, all applicants of the City's Tree Planting Program and City Tree Removal



City of Albany

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RESOLUTION NO. 2015-14

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

the 6th day of April, 2015, by the following votes:

AYES: Council Members Barnes, McQuaid, Pilch, and Mayor Maass

NOES: none

ABSENT: Council Member Nason

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th
day of April, 2015.

Eileen Harrington
DEPUTY CITY CLERK