



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

December 4, 2019

DEPARTMENT:

Parks & Recreation

DIVISION:

Administration

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Repeal and Replace Yuma City Code: Title 13, Chapter 137 Trees

SUMMARY RECOMMENDATION:

Repeal and replace Title 13, Chapter 137 Trees of the Yuma City Code to clarify the applicability of the code to municipal trees and add requirements for removal and replacement of municipal trees. (Parks & Recreation/Administration) (Debbie Wendt)

REPORT:

Yuma City Council adopted Resolution R2019-048 on November 6, 2019, declaring Chapter 137 Trees a public document. This text amendment replaces Chapter 137 of the Yuma City Code (Code) that relates to Trees and is generally referred to as the "Tree Ordinance". The purpose of this amendment is to provide further protections for Yuma's existing tree canopy by clarifying the applicability of the Code to municipal trees and adding requirements for removal and replacement of municipal trees.

The original Tree Ordinance was adopted on November 20, 2007 through Ordinance 2007-69, for the purpose of recognizing the value of trees in our community, establishing maintenance standards for trees owned or maintained by the City, and to form a Community Tree Board. Adoption of the Tree Ordinance was a critical step toward the City being recognized by the Arbor Day Foundation as a Tree City USA, a designation the City continues to maintain.

On October 17, 2018, the City repealed Chapter 137, Section 2, entitled Community Tree Board, due to the inability to attract new board members necessary for maintaining a quorum and subsequently reassigned the duties of the Community Tree Board to the Parks, Arts, and Recreation Commission by way of a separate ordinance.

Revisions to this Tree Ordinance are part of the ongoing comprehensive effort to develop the Tree & Shade Master Plan, the major goal of which is to increase the tree canopy in the Yuma community. An interdepartmental team of City staff (Parks & Recreation, Public Works, and Community Development) reviewed and edited the text of Chapter 137 to provide further protections for Yuma's municipal trees, shrubs and cacti to clarify the applicability of the ordinance to municipal trees, and to

add requirements for removal and replacement of municipal trees. Municipal trees are those owned or maintained by the City of Yuma, including those growing in City rights-of-way, parks, retention basins, and other facilities. The proposed language does not regulate trees on private property, although it does impact municipal trees located in rights-of-way maintained by private residents, in accordance with Yuma City Code § 154-20.5, § 210-01, and § 210-02.

As in the 2007 adopted Tree Ordinance, the proposed text sets out maintenance standards to be followed for all municipal trees and prohibits anyone from damaging municipal trees. Tree-topping is specially noted as a banned practice for municipal trees.

Revisions to the Code add requirements for tree removal, replacement, and penalties for not following the requirements. Yuma City Streets and Traffic Code § 210-20 requires any person doing work within the City right-of-way, including work to trees, to obtain an encroachment permit. The revisions to the Tree Ordinance clarify and reiterate the need for a permit when removing a municipal tree. When a permit is submitted, the City Arborist will be notified to conduct an assessment of the tree in question. If a permit is granted for tree removal, the property owner is responsible for replacing the tree. The replacement factor is based on the value the tree is bringing to the community; the larger the tree and its canopy, the more benefits it provides. Therefore, a small tree shall be replaced with one tree; a medium size tree with two trees; and a large specimen replaced with three trees. The size of the tree and therefore its replacement value, is determined by the diameter at breast height (DBH), a common measurement in the arboriculture field. Replacement trees must be species listed on the City of Yuma Recommended Plants List that was developed in conjunction with local experts and City staff.

If the City Arborist deems the replacement trees cannot be accommodated on the site, he or she may require in-lieu fees to be paid into a Municipal Tree Fund. In-lieu fees shall be determined by the City Arborist based on the estimated replacement value of the tree to be removed. The revisions to the Tree Ordinance also seek to create the Municipal Tree Fund in which fees would be deposited and funds used for care and maintenance of municipal trees and to offset the loss of municipal trees due to removal, destruction, or natural death. Individuals are welcome to donate to the Municipal Tree Fund.

Penalties for violating provisions of this ordinance are deemed a class 3 misdemeanor, and shall be punished as provided in Yuma City Code § 10-99.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input checked="" type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input checked="" type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	John D. Simonton		11/13/2019	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		11/12/2019	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Debbie Wendt		10/23/2019		
WRITTEN/SUBMITTED BY:		DATE:		