



TO: Elizabeth A. Pauli, City Manager
FROM: Michael P. Slevin III, P.E., Director, Environmental Services *MPS GMS*
James G. Parvey, P.E., LEED AP, OEPS Division Manager, Environmental Services
COPY: Infrastructure, Planning, and Sustainability Committee
PRESENTER: Michael Carey, Urban Forester; Ryan Hebert, Urban Forestry Analyst, Office of Environmental Policy and Sustainability
SUBJECT: TMC 9.18, 9.19, 9.20, & *new 9.21 - Trees in the Right-of-Way Code Updates
DATE: November 27, 2021

PRESENTATION TYPE:

Informational Briefing

SUMMARY:

Title 9 “Public Ways” of Tacoma Municipal Code (TMC) contains three Chapters regarding the management of trees in the right-of-way (ROW), 9.18, 9.19, and 9.20, all of which contain numerous outdated and unclear requirements, some which have not been updated since 1927. Additionally, these chapters have many inconsistencies with City-adopted policies and industry best management practices. The attached **“Addendum A - TMC 9.18, 9.19, & 9.20, Trees in the Right-of-Way Code Update Overview”** includes an overview of relevant policies and Code directly relating to implementing Council mandates to address trees in the ROW. Additionally, this memo is a request for IPS to provide feedback and support to update TMC Chapters 9.18, 9.19, and 9.20.

BACKGROUND:

City Council has adopted numerous policies directly supporting improved urban forestry outcomes through better tree protections, increased tree planting, fixing broken operational workflows, removing inconsistencies and contradictions within TMC, and improving community food security through increasing local food access. Adopted policies include: **(2010) Urban Forest Policy Element (ORD27892)**, **(2016) Environmental Action Plan (RES39427)**, **(2019) Urban Forest Management Plan (RES40492)**, and the **(2019) Climate Emergency Resolution (RES40509)**.

ISSUE:

TMC related to trees in the right-of-way Issues fall into four broad categories with proposed changes intended to:

1. Remove the prohibition on food producing trees in the ROW;
2. Clarify protections and update language to industry standards for ROW trees, to reduce illegal removal and damage leading to poor tree health and potential public hazard;
3. Update the antiquated penalties/fines structure (last adopted/updated in 1927) to recover costs of enforcement and replacement of illegally removed or damaged trees in an adaptive way to keep pace with industry best practices; as well as,
4. Establish a heritage tree program.

“Addendum 2 - Title 9 TMC Redline” presents the proposed changes to TMC 9.18, 9.19, & 9.20 in redline form, including the creation of Chapter 9.21: Heritage Tree Program, and contains the suggested text updates to implement these Council directives. These updates do not suggest any changes to the Critical Areas Code (TMC 13.11), Zoning (TMC 13.06), or private property tree

regulations. In instances where trees are subject to both Title 9 and Title 13, these Title 9 updates would be supplemental to existing protections or mitigation measures required in Title 13.

ALTERNATIVES:

This is an information briefing. Staff will present recommended TMC updates to the Committee in order to implement existing adopted policy.

Continuing to move forward with no changes to the TMC Titles 9.18, 9.19, and 9.20 as they exist today will result in a continued poor level of service to our community regarding tree management, inconsistent expectations between the City and the community on how to comply with the code, and poorer outcomes for the urban forest.

FISCAL IMPACT:

This is an information briefing only. There are no fiscal impacts.

RECOMMENDATION:

See attached ***“Addendum A - TMC 9.18, 9.19, & 9.20, Trees in the Right-of-Way Code Update Overview”*** for detailed recommendations.