

Re: Study Session regarding proposed Ordinance No. 2021-05, The Paradise Valley Community Tree Ordinance.

I have reviewed the Staff Report, and the PowerPoint Presentation, that was presented to the Town Council on November 4, 2021, regarding the proposed Ordinance No. 2021-05, The Paradise Valley Community Tree Ordinance. My notes below follow the presentation and address current Public Works practices and responsibilities in relation to the *Four Standards for a Tree City USA Community* and the *Impact of the Ordinance* slides.

After reviewing the information, I did not identify any new responsibilities, duties, or practices that Public Works is currently not performing. I also do not see any increase in costs or staffing for Public Works that would be associated with adopting the proposed Paradise Valley Community Tree Ordinance. It is my recommendation that the Town continues to participate in the Tree City USA program, as we have for approximately the last 25 years, and adopt the new ordinance because it shows a commitment to the environment, it is a source of pride for the Public Works department staff and includes the best practices that we currently follow.



Tree City USA

Four "Standards" for a Tree City USA Community

- **Tree Board or Department**
 - "Someone must be legally responsible for the care of all trees on town-owned property"
- **Tree Care Ordinance**
 - Establish the tree department and delegate public tree care authority
 - Assign the task of documenting tree care expenses
 - Set standards for tree care and management
- **\$2 per capita on public trees**
 - Planting, care, and removal of public trees
- **Arbor Day Observance and Proclamation**

Four Standards for a Tree City USA Community:

- **Standard 1: Establish a Tree Board or designate a Department**

The Public Works Director currently has full authority and responsibility over all vegetation, including trees, on public property in the Town. The designation of the Public Works Director, with the assistance of the Town Superintendent and Town Certified Arborist, as the responsible department would satisfy Tree City Standard 1 with no additional duties or responsibilities added to the Public Works department.
- **Standard 2: Adopt a Tree Care Ordinance**

I have reviewed the proposed Town of Paradise Valley Community Tree Ordinance detailed in the November 4, 2021, Staff Report, and found no additional responsibilities or changes to existing tree and planting standards, practices, and procedures in the Public Works Department except for one area. Regarding, proposed section 8-12-6 Adjacent Owner Responsibility, Section B, of the proposed

new Article 8-12, I propose that the language should read “the Director, or designee (which would be the Code Compliance Officer) shall notify the property owner” so the Code Compliance Officer can issue a notice of violation if necessary.

- **Standard 3: Document at least \$2 per capita on annual tree care expenditures**

The Public Works Department all landscaping, vegetation, and irrigation costs annually and uses this information to create the Tree City USA Annual Expenditures Report every year. The Town has consistently exceeded the \$2 per capita minimum Tree City USA requirement on tree care, maintenance, irrigation, and management.

- **Standard 4: Arbor Day Observance and Proclamation**

The Town has been observing Arbor Day every year, except for 2020 and 2021 due to the COVID-19 pandemic, with a proclamation by the Mayor and a tree planting ceremony with the Town Council.

The infographic consists of a large orange rectangle on the left with the text "Community Tree Ordinance" in white. To its right is a white box with an orange border. Inside this box, at the top, is an orange header with the text "Impact of Ordinance" in white. Below the header is a bulleted list of responsibilities for Public Works.

Community Tree Ordinance

Impact of Ordinance

- **New responsibilities for Public Works**
 - Maintaining all trees on public property
 - Identifying diseased or other nuisance trees
 - Authorizing any exceptions from tree rules
 - Documenting tree care expenditures
 - Establishing official spacing requirements
 - Establishing a list of trees for public property:
 - Category 1: Ornamental (less than 20 feet)
 - Category 2: Shade (greater than 20 feet)

Impact of Ordinance

To clarify, there are no new responsibilities for Public Works with the proposed ordinance. Public Works has always been responsible for:

- **Maintaining all trees on Public Property**

Public Works is responsible for all the vegetation, including trees, on Town public property.

- **Identifying diseased or other nuisance trees**

Public Works continuously identifies trees and vegetation that require treatment, removal or cause a nuisance and takes the appropriate actions, which may include reporting the nuisance to the Code Compliance Officer.

- **Authorizing any exceptions from tree rules**

The Public Works Director and designee would follow Town Code and Town of Paradise Valley Landscaping Guidelines when making decisions about trees.

- **Documenting Tree Care expenses**

Expenses are documented and reported in the Tree City USA Application each year.

- **Establishing official spacing requirements**

Typically, trees are spaced out in consideration of the tree species and mature potential growth not to overcrowd or have interference with one another in accordance with the Town of Paradise Valley Landscaping Guidelines.

- **Establishing a list of trees for Public property**

- Category 1: Ornamental (less than 20 feet)
- Category 2: Shade (greater than 20feet)

There is an established list of trees, and spacing requirements, included in the Town of Paradise Valley Landscaping Guidelines, established in 1996.

Community Tree Ordinance

Impact of Ordinance

- **Explicit rules related to damaging public trees**
 - No “topping,” or cutting the crown back to stubs
 - No surrounding with pavers
 - No attaching cables, wires, or signs
 - Must take steps to protect trees during construction

Regarding the explicit rules related to damaging public trees in the presentation:

- **No “topping,” or cutting the crown back to stubs.**

Trees are not topped, nor is the crown reduced to stubs. Trees are trimmed and pruned to allow proper growth of trees and to maintain safe clearance of traffic lanes and pedestrian paths.

- **No surrounding with pavers**

Generally, tree trunks are not surrounded by pavers, concrete or metal plates that prevent trunk growth and root development.

- **No attaching cables, wires, or signs**

Trees are not used in any scenario to hold signs, nor are wires and cables attached to a tree. At times, tree staking is used to anchor, support, and protect newly planted trees until the tree can stand on its own.

- **Must take steps to protect trees during construction**

Public Works takes the proper steps to protect, or relocate, trees during construction projects.