

**ATLANTA TREE PROTECTION ORDINANCE REWRITE
ALTERNATIVE WORKING DRAFT
EXECUTIVE SUMMARY - JUNE 24, 2020**

BACKGROUND

Atlanta is the City in a Forest. Atlanta's trees and urban forest define our landscape and neighborhoods. However, Atlanta is rapidly losing too many trees, its most valuable natural resource. Trees and the urban forest contribute to residents' health and well-being as well as serving as a critical component of the City's green infrastructure, providing cooling, shading, clean air and water, and minimizing stormwater runoff.

The existing Atlanta Tree Ordinance allows even the highest value trees to be cut down on development sites in exchange for payment of a modest recompense fee and/or planting saplings with values that do not come close to matching the values of mature trees destroyed.

Many City residents realized that revisions to the existing tree ordinance were needed. The Atlanta Planning Department and its consultant spent more than two years gathering public input on what revisions were needed. Individuals and organizations submitted comments and recommendations as part of this process. A proposed rewrite of the existing tree ordinance was drafted by the consultant and released in March of 2020. However, almost none of the public input -- which largely called for better protection for existing trees -- was included.

The consultant's March 2020 draft is based on a goal of "slowing" the loss of tree canopy. Rather than increasing Atlanta's tree canopy, the March 2020 draft would allow more tree loss. The draft relies on the use of recompense fees to deter tree loss. Fees don't reduce tree loss. Fees become a "cost of doing business" for developers, while many homeowners struggle to afford such costs. The March 2020 draft is complicated, poorly organized and internally inconsistent. It cannot be used as a basis for preparation of the tree ordinance that Atlanta needs. One person properly characterized the March 2020 draft as an ordinance focused on how to destroy trees rather than how to save trees. The City's Tree Conservation Commission prepared comments on the March 2020 draft which summarize the flaws in the consultant's draft. A copy of those comments is attached to this Executive Summary.

Because of the problems with the March 2020 draft, a number of Atlanta residents with significant experience formed a diverse working group (the group) to develop an alternative tree ordinance draft. The group has included members of the City's Tree Conservation Commission, a professional arborist, developers, an ecologist, attorneys, members of watershed protection organizations, members of tree protection groups, and other interested citizens from across the City. Developers have also been consulted and helped refine the principles considered in the group's draft.

This draft is not final. It is a work-in-progress from which a final draft may be developed that will preserve and enhance Atlanta's tree canopy while providing for the reasonable use and development of land in the city. It is presented for consideration by the Atlanta City Council CD/HS Committee, the Planning Department, and other interested parties. This draft includes provisions from the existing Atlanta Tree Ordinance and the City's 2014 draft tree ordinance revision. It will protect existing high value trees and address other interests and concerns.

It is critical to the future of our City to ensure that revisions to Atlanta's Tree Ordinance result in the preservation of more trees, and more of our best trees, as well as providing for the reasonable

use and development of property. The following is a summary of important components of the alternative working draft as it stands to date.

The working draft is based on 4 steps that protect more trees and create a streamlined and predictable permitting process:

1) Plan for trees at the beginning of the development permitting process, before major investments have been made in more detailed development plans. This draft introduces a “Pre-Application Conference” at which developers meet with City Arborist staff to identify which trees will be protected before more detailed plans are developed. This is a time when flexibility in design is greatest. Developers using the Pre-Application Conference would benefit from an early posting/appeals process, rather than having posting/appeals at the end of the development permitting process (as occurs now) after the rest of the development plans have been approved. Developers who have been consulted, favor the Pre-Application Conference and early posting/appeals process. The City Arborist staff time involved in the Pre-Application Conference may be paid for by an appropriate Pre-Application Conference fee.

2) If we can't save all the trees, let's save the high value trees. This draft introduces the use of an objective formula to determine which trees have high priority for preservation. Trees that are most beneficial to Atlanta's urban forest and canopy for the longest time are rated with the highest values. The draft uses objective criteria in a science-based system to identify and preserve trees that provide the greatest human, ecological, green infrastructure, and stormwater benefits. The objective formula values trees by species, size, health condition, ecological value, and location.

3) Ensure the reasonable use and development of property. The working draft includes protections for developers so that a reasonable portion of the maximum impervious area would be available for tree removal, while maximizing preservation of high value trees and respecting mandatory buffers and setbacks. This creates predictable and reasonable rules for site development which are also reasonably protective of trees, with no costly surprises to a developer at the end of the permitting process.

4) Enforcement that works. Today's tree ordinance inadvertently encourages illegal tree removal on many projects because the fees and fines for illegal tree removal are no more than an affordable cost-of-doing-business. The group's draft raises penalties for illegal tree destruction while preserving due process rights for all.

Additional important components of the working draft:

- Ensures and strengthens current protections for boundary trees and trees in setbacks. (These are weakened or revoked in the March 2020 draft.)
- Ensures protections of trees in stream buffers, including provisions to assure consistency with other state, federal, and local laws. (These protections are weakened in the March 2020 draft.)
- Provides flexibility to homeowners for more affordable removal of certain non-priority trees.
- Improved provisions for identifying and addressing dead, dying, and hazardous trees.
- Simplified and improved tree replanting specifications to assure proper densities, types, maintenance, and survival.

- Improved Tree Trust Fund provisions to assure proper expenditure of trust funds.
- Improved and unified posting, transparency, and public access to tree removal applications and determinations.
- Improved and unified appeal process consistent with due process rights for all.
- More concise ordinance structure and improved definitions and other provisions.