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WILMETTE, ILLINOIS 60091-0040

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**NOTICE OF MEETING  
Of the  
LAND USE COMMITTEE OF THE  
BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE**

**Thursday, October 21, 2021 at 7:30 P.M.  
Village Hall Council Chambers  
1200 Wilmette Avenue, Wilmette, Illinois**

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

Minutes of the Land Use Committee/Special Zoning Committee meeting of June 29, 2021

Minutes of the Land Use Committee/Special Zoning Committee meeting of October 11, 2021

**III. Discussion of the Village of Wilmette's Tree Preservation Policies**

**IV. New Business**

**V. Public Comment<sup>1</sup>**

**VI. Adjournment**

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<sup>1</sup> Members of the public that attend the above noticed meeting may address this public body during Public Comment. Members of the public that will not be attending the above noticed meeting may submit a comment in advance of the meeting by emailing their comment to [publiccomment@wilmette.com](mailto:publiccomment@wilmette.com). All emailed comments received two hours prior to the start of a meeting will be provided, unredacted, to the public body. Emails received at any time within two hours of the beginning of the meeting until its adjournment will be included in the draft minutes of the meeting.



1200 WILMETTE AVENUE  
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**MINUTES OF THE LAND USE COMMITTEE-SPECIAL ZONING COMMITTEE  
WEDNESDAY, JUNE 29, 2021  
7:00 P.M.  
VILLAGE BOARD TRAINING ROOM  
1200 WILMETTE AVENUE, WILMETTE, ILLINOIS 60091**

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Members Present: Trustee Peter Barrow, Chair  
Trustee Kathy Dodd  
Trustee Gina Kennedy

Members Absent: None

Staff Present: Michael Braiman, Village Manager; Jeff Stein, Corporation Counsel; John Adler, Director of Community Development; Lucas Sivertsen, Business Development Coordinator

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**I. Call to Order**

Chairman Barrow called the meeting to order at 7:00 p.m.

**II. Approval of the February 24, 2021 Minutes**

Trustee Kennedy moved to approve the minutes of the February 24, 2021 Land Use Committee-Special Zoning Committee meeting. The motion was seconded by Trustee Dodd. Voting yes: Chair Barrow, Trustee Dodd, and Trustee Kennedy. Voting no: none. The motion carried.

**III. Discuss and recommend a text amendment to the Zoning Ordinance to determine if a cannabis business establishment and medical cannabis dispensaries can be a special use and the underlying regulations of such a use to be located in the PCD-1 (Edens Plaza) Zoning District – 2021-SZC-01**

Chairman Barrow explained that the Committee was not going to make a decision on whether recreational cannabis dispensaries should be allowed in Wilmette; instead, the purpose of the Committee's work is to provide a recommendation to the Village Board on whether or not a recreational cannabis dispensary would be appropriate at Edens Plaza and if so, what type of regulations would be appropriate.



Mr. Braiman presented the background of recreational cannabis discussions in Wilmette, the Committee's discussion and findings to date, and the questions the Committee is to consider. At the previous meeting the Committee determined the PCD-1 Zoning District where Edens Plaza is located was the only commercial zoning district that met all four of the criteria which included proximity to residential, capacity of traffic, capacity of parking, and location relative to school walking routes. Staff prepared recommended regulations for the Committee to consider.

Chairman Barrow invited representatives from Edens Plaza to provide input on their opinion of recreational cannabis dispensaries operating at Edens Plaza. Mathew O'Keefe with Newport Capital who owns Edens Plaza and Brendan Reedy with CBRE, leasing agent for the center, both spoke. The general thought was they had not heard of objection from tenants or other commercial real estate experts to the operation of recreational cannabis dispensaries in shopping centers. They anticipate there would be restrictions in existing lease agreements that might need negotiation in order to allow landlords to locate dispensaries in certain locations within shopping centers. These are typical restrictions in tenant/landlord agreements that need to be negotiated from time to time. There are no known specific exclusions to dispensaries, however, some of the characteristics of dispensaries such as health stores, could be limited by certain agreements. Mr. O'Keefe made it clear that the priority is to determine the future of the Carsons space before a cannabis dispensary would be pursued at the center. A cannabis dispensary is way down on their list of priorities at this time.

Chairman Barrow invited members of the public to speak.

Richard Kahn, 3451 Riverside Drive, said he has been a resident for the last 27 years. He said he supports a dispensary at Edens Plaza 100%. The sales tax benefit to the Village is significant. He said a 5,000 square foot dispensary may generate \$300,000 to \$500,000 in sales tax per year. He felt this was the most logical space in the Village to locate a dispensary given the parking and accessibility of the center. There are more regulations for a cannabis dispensary than any liquor store, especially with real ids being rolled out in Illinois. He said there hasn't been a violation for underage selling. Mr. Stein clarified that recently there was a violation for selling to a minor and a \$20,000 fine was levied on the offending Romeoville dispensary. This was the only violation to date.

Janice Weiner, Lacrosse, said she was within walking distance of the center and has owned her home for 30 years. She said Skokie Boulevard is turning into cannabis corridor with the dispensaries already at Dundee and Skokie and Old Orchard and Skokie. It isn't far for her to go to the Skokie dispensary. She suggested that the committee members take a field trip and see how they check ids and make you pull down your mask when buying cannabis. She frequented Edens a lot when the bookstore was open. She is appreciative of all the work the Committee goes through to make the decisions they do. She is in favor of a dispensary at Edens Plaza and would love to see the best for Edens Plaza and Wilmette. Hopefully this helps the Plaza

Ted McKenna, 940 Hunter Road, identified himself as a former Village Board and the Zoning Board member. While he represents real estate clients at Edens Plaza, he was at the meeting as a resident. He agreed with the conclusions reached and would recommend

allowing a retail cannabis dispensary at Edens Plaza as a special use.

Charlie Heintz, Loyola Academy principal, wasn't going to speak but he wanted the committee to know that the Academy is concerned about safety. The Academy is not pro drugs or alcohol and wants to gather info on what is going to keep them safe. The Academy does understand for their students there is little difference between driving to Edens Plaza or Old Orchard and Skokie. Mr. Braiman said a Trustee that is no longer on the Committee asked about the Edens Pace bus stop and the volume of use by Loyola students. Principal Heintz said the Edens Plaza bus stop is used after hours, beyond sports practice. Between 3 pm and 4 pm the students would be getting on the bus closer to Loyola.

Chair Barrow closed the public comment portion of the hearing.

The Committee discussed the appropriateness of a recreational dispensary at Edens Plaza and potential regulations that would be appropriate if the Village decided to allow the sale of recreational cannabis. The Committee saw Edens Plaza as the most appropriate location for a cannabis dispensary. The use standards favored by the Committee included the following:

- o Limit the number of dispensaries to one
- o Prohibit on-site consumption of cannabis
- o Require submittal of a security plan to the Police Department
- o Require submittal of a queuing plan for customers
- o Require all waste to be stored inside the facility
- o Require compliance with all laws
- o Ensure that misconduct of employees is considered misconduct of the dispensary

The Committee also recommended that the fines for violation of the Special Use permit be a minimum of \$500 and maximum of \$7,500 (this is 10x the fine amount for general code violations).

The Committee identified the following regulations to be addressed through the Special Use process:

- o Size of the facility
- o Hours of operation
- o Parking
- o Lighting
- o Signage
- o Operational components such as location of security and customer queuing (can be required to be inside), location of deliveries, location of vault, etc.

Trustee Dodd moved to recommend to the Village Board that if the Board determines the sale of recreational cannabis dispensaries should be allowed in Wilmette that such sales be limited to the PCD-1 district, Edens Plaza, as a special use subject to certain use standards. The use standards include the following:

- o Limit the number of dispensaries to one
- o Prohibit on-site consumption of cannabis

- o Require submittal of a security plan to the Police Department
- o Require submittal of a queuing plan for customers
- o Require all waste to be stored inside the facility
- o Require compliance with all laws
- o Ensure that misconduct of employees is considered misconduct of the dispensary

Seconded by Trustee Kennedy. Motion passed unanimously.

## **VI. New Business**

Mr. Braiman explained the Land Use Committee would be taking up the review of the Village's tree preservation policies and fence height for properties on Sprucewood that back up to Skokie Boulevard at a future meeting.

## **VII. Public Comment**

There was no other public comment.

## **VIII. Adjournment**

Trustee Kennedy moved to adjourn the meeting, Trustee Dodd seconded the motion and **the motion carried unanimously.** The meeting was adjourned at 9:02 p.m.

Respectfully Submitted,

John Adler, Director  
Community Development



1200 WILMETTE AVENUE  
WILMETTE, ILLINOIS 60091-0040

**MINUTES OF THE LAND USE COMMITTEE-SPECIAL ZONING COMMITTEE  
MONDAY, OCTOBER 11, 2021  
6:00 P.M.  
COMMITTEE MEETING ROOM  
1200 WILMETTE AVENUE, WILMETTE, ILLINOIS 60091**

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Members Present: Trustee Peter Barrow, Chairman  
Trustee Kathy Dodd  
Trustee Gina Kennedy

Members Absent: None

Staff Present: Michael Braiman, Village Manager; Jeff Stein, Corporation Counsel; John Adler, Director of Community Development; Lucas Sivertsen, Business Development Coordinator

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**I. Call to Order**

Chairman Barrow called the meeting to order at 6:00 p.m.

**II. 2021-SZC-04 - Review of an Amendment to the Wilmette Zoning Ordinance to amend the definition of a medical cannabis dispensary organization, remove medical cannabis dispensaries as a Special Use in the GC-1, General Commercial Business District, and add medical cannabis dispensaries as a Special Use in the PCD-1, General Commercial Business District**

Mr. Adler explained that because the zoning ordinance was recently amended to allow as a special use the retail sale of cannabis in the PCD-1 district, it made sense to staff to review removing the sale of medical cannabis as a special use in the GC-1 district. Mr. Adler said when the special use for medical cannabis was created in the GC-1 district, the Village was required to allow medical cannabis dispensaries to be located somewhere in the Village. Given the distance requirements from schools and daycares that the state required at that time, the GC-1 district was determined as the best location for medical cannabis dispensaries to be allowed as a special use. Now that the Village has done a more in-depth look at where it is most appropriate to locate retail cannabis dispensaries, staff is recommending that the medical dispensary special use be removed from the GC-1 district and added to the PCD-1 district.

Mr. Adler said that the definition of medical cannabis dispensary needs to be amended to remove the distance requirements as they are no longer part of the state law. Mr. Adler said it was also staff's understanding that the majority of the Village Board desired to only have one cannabis dispensary permitted in the Village at this time. Limiting cannabis dispensary special uses to the PCD-1 district would accomplish that.

Trustee Dodd said she viewed medical cannabis dispensaries like a pharmacy and did not see the need to remove it from the GC-1 district. The Committee discussed how medical cannabis dispensaries wouldn't have the same traffic and parking issues that a retail dispensary may have. Trustee Kennedy agreed with Trustee Dodd. Chair Barrow felt medical dispensaries should be limited to the same zoning district as retail dispensaries given the amount of discussion that took place regarding appropriate locations for cannabis dispensaries. Trustee Dodd felt that the recent discussions centered around retail cannabis sales and not medical sales. Trustee Dodd pointed out a correction to the proposed amended definition of medical cannabis dispensary.

Because committee members disagreed on whether to removed medical cannabis dispensaries as a special use in the GC-1 district, the committee decided to vote first on adding medical cannabis dispensaries to the PCD-1 district as a special use, and amending the definition of medical cannabis dispensary.

There was no public comment.

Trustee Dodd moved to recommend amending the Zoning Ordinance to create a special use in the PCD-1 district for medical cannabis dispensaries and amend the definition of medical cannabis dispensary by removing the distance requirements. Seconded by Trustee Kennedy. Voting yes: Trustee Dodd, Trustee Kennedy, and Chair Barrow. Voting no: None. The motion passed.

Trustee Dodd moved to recommend amending the Zoning Ordinance to remove medical cannabis dispensaries as a special use from the GC-1 district. Seconded by Trustee Kennedy. Voting yes: Chair Barrow. Voting no: Trustee Dodd and Trustee Kennedy. The motion failed.

### **III. 2021-SZC-05 - Review of an Amendment to the Wilmette Zoning Ordinance to allow an increase in the height of fences permitted in the fence exemption area located along the rear of the properties on the 3200 block of Sprucewood Lane.**

Mr. Adler explained that IDOT removed landscaping along the rear of Sprucewood properties that adjoin Skokie Boulevard. Because of the proximity of these homes to both the on and off ramps to Edens Expressway and being across from Edens Plaza shopping center, the removal of the landscaping impacted the privacy and security of those homes. The neighbors brought this concern to the Municipal Services Committee (MSC) when the multi-use path was being discussed. The MSC supported a solution that would allow the Sprucewood neighbors to install taller fences along Skokie Boulevard.

Mr. Richard Moy, 3245 Sprucewood, talked about the issues they have had with people throwing garbage into their rear yards and the decreased privacy since the landscaping was

removed. Trustee Kennedy talked about the MSC having empathy for the neighbors, especially considering a multi-use path is planned to be installed along that portion of Skokie Boulevard. The rest of the committee agreed with the need for the proposed amendment.

There was no additional public comment.

Trustee Kennedy moved to recommend amending the Zoning Ordinance to allow 8' high fences along the rear lot lines of double-frontage properties on the 3200 block of Sprucewood and 3300 block of Illinois that adjoin Skokie Boulevard. Seconded by Trustee Dodd. Voting yes: Trustee Dodd, Trustee Kennedy, and Chair Barrow. Voting no: None. The motion passed.

#### **IV. New Business**

There was no new business.

#### **V. Public Comment**

There was no public comment.

#### **VI. Adjournment**

Trustee Kennedy moved to adjourn the meeting, Trustee Dodd seconded the motion and **the motion carried unanimously.** The meeting was adjourned at 6:40 p.m.

Respectfully Submitted,

John Adler, Director  
Community Development



**Meeting Date:** October 21, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager  
Lisa Roberts, Assistant Director of Community Development  
Guy Lam, Deputy Director of Public Works

**Subject:** Tree Preservation

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The Land Use Committee (LUC) has been tasked with reviewing the Village's current tree preservation regulations and to provide feedback and recommendations as to whether additional tree protection measures are warranted. Such regulations have many goals, including but not limited to preserving the Village's urban canopy and essential character and ensuring adequate environmental protections are in place (the value of trees is discussed more thoroughly in Appendix 1). The advancement of these goals is weighted against private property rights and the desire for continued re-investment in the Village's housing stock.

The policy and goals of tree preservation are complex and in consultation with LUC Chair Barrow, a multi-meeting process is recommended to ensure a thoughtful consideration of such policy and goals. The following process is proposed:

Meeting #1- October 21, 2021

- Review available Wilmette-specific tree data
- Review current Village policy and how the policy is implemented
- Review for reference purposes the policies in nearby communities
- Solicit public feedback

Meeting #2- November 2021 (specific date to be determined)

- Determine the LUC's preferred policy approach
  - Maintain the Village's existing tree canopy coverage concept or move to an approach similar to those in nearby communities (see page 7)

Meeting #3- December 2021 (specific date to be determined)

- Review specifics of the preferred policy concept to provide direction to staff of what should be included in a proposed tree preservation ordinance

Meeting #4- January 2022 (specific date to be determined)

- Review draft ordinance and recommend adoption to Village Board

In preparation for the October 21 meeting, key staff from the Village Manager's Office, Community Development Department and Engineering and Public Works Department met several times to discuss current tree preservation practices. In addition, Village staff met with community stakeholders including Go Green Wilmette and prominent architects, contractors, landscapers, and developers who have extensive residential construction experience in Wilmette and other North Shore communities.

The following information is provided to assist the Committee:

- Tree data in Wilmette
- Overview of the Village's existing tree preservation regulations
- Comparison of tree preservation ordinances in nearby municipalities
- The value of trees (Appendix 1)
- History of tree preservation policy in Wilmette (Appendix 2)

### **Tree Data in Wilmette**

The Chicago Region Trees Initiative (CRTI) conducts municipal-level tree canopy analysis. The most recent analysis for Wilmette was conducted in 2010 (updated data is forthcoming from CRTI but when the data will be available is unknown). CRTI's analysis found that 80% of the Village's tree canopy, which refers to the part of the Village that is shaded by trees, is located on private property. While the Village has a detailed inventory of the nearly 18,000 trees located on Village parkways and rights-of-way, no such inventory exists for private property trees. However, third-party studies of the Village's tree canopy coverage were conducted in 2007 by the University of Illinois-Chicago and in 2010 by the CRTI. The 2007 analysis found the Village-wide tree canopy to be 48% of the community's total land area and in 2010 the canopy was estimated at 45%.

While it is not possible to determine the reason for the reduction in tree canopy coverage from 2007 to 2010, it is worth noting that Emerald Ash Borer was discovered in Wilmette in 2006 and as a result, 960 parkway ash trees were removed in 2008 and 2009.

In 2006, the Village began requiring tree removal permits to track removals.<sup>1</sup>

#### *Number of Removals*

The table on the following page denotes the number of projects involving tree removal (individual projects can have multiple removals) and the number of trees removed each year since 2006.

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<sup>1</sup> Because the Village does not require a tree survey as part of the permit application, data is self-reported making it subject to error and permit documents may have missing data. As such, the tree removal data discussed in this memorandum is imperfect. The data is intended to provide a general sense of how private property tree removals have evolved since 2006.



<b>Year</b>	<b>Tree Removal Projects</b>	<b>Total Trees Removed</b>
2006	228	342
2007	232	295
2008	253	266
2009	257	215
2010	332	283
2011	345	253
2012	382	369
2013	305	365
2014	349	462
2015	318	364
2016	322	488
2017	341	530
2018	343	533
2019	330	476
2020	325	587

In 2007, detailed analysis on the number of tree removal permits for 2006 was assembled to assess the first year of the tree removal permits. For the current discussion, the same data was pulled for permits from 2019. Below are tables comparing the size of trees and the reason for the removals for 2006 and 2019. Appendix 3 provides a detailed list of species removed in each of these years.

### *Size of Removals*

The average DBH<sup>2</sup> of trees removed increased from 13.5" in 2006 to 20.6" in 2019 with a median increase of 4" from 14" to 18". Nearly 55% of the trees removed in 2019 were 18" or less in DBH.

<b>DBH</b>	<b>2006</b>	<b>2019</b>
10 inches to 18 inches	85	229
19 inches to 36 inches	54	161
37inches to 55 inches	10	25
Over 55 inches	3	3

### *Reasons for Removal*

In 2019, 65% of tree removals were due to dead, dying, diseased, or declining tree conditions. "Construction" was cited for 12% of tree removals with "new construction" accounting for 4.5% of this total.

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<sup>2</sup> "DBH" or "diameter at breast height" means the diameter of the trunk of the tree measured in inches at a point four and one-half (4 1/2) feet above the existing grade at the base of the tree.

<b>Reason</b>	<b>2006</b>	<b>% of 2006 Removals</b>	<b>2019</b>	<b>% of 2019 Removals</b>
Dead/Dying/Diseased/Declining	49	33%	294	65%
Hazardous/Safety	6	4%	22	5%
Too Close to Existing Structure	19	13%	29	6%
Overgrown	8	5%	17	4%
Construction	48	33%	56	12%
Storm Damage	5	3%	11	2%
Good Forestry/Invasive Species	-	0%	10	2%
Too Much Shade	7	3%	3	1%
New Landscaping	-	0%	3	1%
Nuisance	5	3%	4	1%
<b>Total</b>	<b>147</b>		<b>449</b>	

### *Tree Removal Permit Fee Data*

The tree removal permit fee was set at a low amount to avoid acting as a disincentive for reporting and still help cover some of the staff cost of issuing tree removal permits. The table below documents the fee since 2006. Note that from 2006 - 2014 all building permit related fees were increased annually. Since 2014, the vast majority of permit fees have not increased, including tree removal permits.

<b>Year</b>	<b>Per Tree Fee</b>	<b>Revenue</b>
2006	\$20	\$6,840
2007	\$20	\$5,900
2008	\$21	\$5,585
2009	\$22	\$4,730
2010	\$25	\$7,075
2011	\$26	\$6,578
2012	\$27	\$9,963
2013	\$28	\$10,216
2014 - 2020	\$29	\$99,751*

\*Average of \$14,250 annually

### **Overview of the Village's existing tree preservation regulations**

To provide context to the discussion, tree preservation includes three primary categories:

1. Tree removal permits: Permits (\$29) are required for any private property tree removal of 10" or greater in diameter
2. Tree canopy coverage ordinance: The canopy coverage requirements are triggered during demolition, new construction, or when there is a 50% or greater increase in lot coverage (this would apply for certain additions)
3. Tree protection: The protection of existing trees during construction projects.

### *Tree Removal Permits*

Permits are required for the removal of any tree on private property which is 10" or greater in DBH. There is a provision for the emergency removal of a tree prior to obtaining a permit. The permit fee is \$29 per tree. As with all permits, the contractor listed on the permit is required to have a current Wilmette contractor's license. The maximum penalty for removing a private tree in Wilmette without a permit is \$1,500. Permit fees are waived for dead, dying and diseased trees. In such circumstances, the Village Forester will conduct a site inspection to confirm the condition of the tree.

Private property tree removal permits are reviewed and issued by the Community Development Department. Prior to submitting a permit application, residents and/or contractors often contact the Village Foresters to inquire about the permit requirements. An applicant is asked to complete the permit form, which requests the address, contractor information, and species, size, and reason for the removal of each tree. The permit form asks about replacement trees, but replacement is not required by the current tree preservation ordinance. An applicant is also asked to provide a drawing that shows the location of tree(s) to be removed.

Because there are no zoning considerations or required inspections (unless one is requested due to the condition of the tree), tree removal permits are considered "over-the-counter" permits which means that all removals are approved upon the submittal of a completed permit application.

### *Tree Canopy Coverage Requirements*

The Village's Tree Canopy Ordinance was implemented in 2007 following a review by the LUC. The Village had initially contemplated an "inch for inch" replacement ordinance, similar to those in neighboring communities (see page 7), but revised its approach based upon feedback from the community. Ultimately, the ordinance adopted and currently in place, was designed to protect the Village's robust tree canopy. As the attached Chicago Tribune article from 2007 indicates, the canopy coverage concept was considered "cutting-edge in the forestry business" by the Morton Arboretum.

Wilmette's tree canopy coverage requirement is limited to projects involving the construction or demolition of a principal structure or qualifying additions. Qualifying additions are those which both a) increase the structure footprint (lot coverage) by 50% or more, and b) are removing a tree that requires a tree removal permit.

- When the requirements are triggered as delineated above, 35% of the property must be covered by the tree canopy
  - Trees from the public right-of-way and neighboring properties may count toward the 35% canopy requirement
  - Existing Oaks (24"+), Hickory (16"+), and American Elm (30"+) are recognized for their value and such trees receive a bonus multiplier of 1.5x when calculating existing canopy coverage conditions
  - If the property is unable to meet the 35% canopy coverage requirements with existing trees, new trees must be planted onsite which are projected, at maturity, to provide 35% canopy coverage
    - The Village has a list of approved tree planting species.

Many single-family lots in the Village are 50' wide by 150' deep which equates to a total lot area of 7,500 square feet; 35% canopy coverage equates to 2,625 square feet which can be accomplished with the planting of one shade tree.

The enforcement of the tree canopy coverage requirements was implemented under the land-disturbing activity (grading) permit section of the Village Code. When a Site Grading Plan is submitted for the demolition or construction of a principal building or structure on a lot zoned R, R1 or R2, the plan must show that the site will meet the minimum canopy coverage requirement of not less than 35% of the total lot area. In the case of qualifying additions, in lieu of demonstrating a minimum 35% canopy coverage, the plan may show that a tree to be removed will be replaced with another tree at least 2" in diameter and in the same canopy size category (meaning, at maturity, the new tree will have a similar canopy to the tree removed).

The grading review of new single-family homes is outsourced to Christopher Burke and Associates (CBBL) engineers. Other reviews are conducted by the Village's engineering staff. In all cases, the plan reviewer will not approve a grading permit for these projects until the tree canopy coverage is reflected in a conforming manner. Upon completion of construction, the inspector (CBBL or Village engineering staff) conducts a tree canopy compliance inspection to verify that the project was completed in accordance with the approved plan, that the proposed trees (if required) have been planted, and that the existing trees intended to be preserved have not been removed.

#### *Tree Protection & Neighbor Notification*

For construction projects which result in a change to the footprint of a structure, trees that are being retained on the subject property are required to have their root zones protected with fencing. Notice of the construction is required to adjacent neighbors who have a tree within 15' on their side of the lot line, so that the neighbors may be aware of the construction and take preventative measures to ensure their trees are not damaged.

Work which results in a change to the footprint of the structure(s) includes:

- Demolition and new construction
- Additions
- Construction of new accessory structures (detached garage, swimming pool, etc.)

This provision does not apply to exact replacement of driveways, sidewalks, decks, patios, etc.

Trees on the public parkway or on rights-of-way must be protected as do trees within adjacent properties when such trees are applied to the tree canopy coverage calculations.

All protected trees are to be protected with temporary fencing placed along the Critical Root Zone (CRZ). The area of the CRZ is defined as 1' for every 1" of tree diameter at breast height. The temporary fencing shall be secured with metal posts no farther apart than 3' on center. To the extent the property owner has demonstrated that it is not reasonably practical to install a temporary fence along the entire CRZ, the Village has the authority and discretion to modify these requirements, including requiring that a surface barrier such as mulch and plywood be placed on those areas unprotected by fencing. A

violation of the tree protection standards is subject to a fine up to \$750 for every day that the violation occurs.

For projects which change the footprint of a structure, tree protection measures are reviewed as part of the site development plan and subject to approval of the Village Foresters and Community Development Department's Code Enforcement Officers. The Village Foresters work directly with contractors during the permitting process to identify the trees to be protected, verify the construction access point (parkway or alley) and installation of tree protection fencing prior to approving issuance of a demolition or building permit. Due to staffing constraints (the Village currently has two full-time Foresters; prior to the Great Recession there were three full-time Foresters and one part-time Tree Preservation Officer), the Village Foresters do not conduct tree protection inspections during the course of construction.

Even if tree protection measures are not required for a project, the Village's site maintenance code requires all construction sites to be maintained in good, clean, and safe condition. This means that trees cannot be damaged during the course of construction and the Village may issue fines and stop work orders for any such damage. Compliance with the site maintenance requirements is enforced by the Community Development Department's one full-time and one part-time Code Enforcement Officers (the 2022 Proposed Budget recommends converting the existing part-time position to full-time to improve proactive enforcement of the site maintenance requirements, including tree protection).

#### Neighbor Notification:

- The property owners of any tree within 15 feet of the lot line must be notified prior to a building permit being issued for work on the applicant's property
- No building permit will be issued until five days after the tree notice has been received by adjacent property owners
- The applicant must submit an affidavit attesting either that there are no neighboring trees within 15 feet of the lot line or that they have provided proper notice to the adjoining property owners, indicating who was notified and when

#### **Comparison of Tree Preservation Ordinances in Nearby Municipalities**

Village staff reviewed tree preservation ordinances in the following communities:

- Glenview
- Highland Park
- Northbrook
- Lake Forest
- Lincolnshire
- Winnetka

These communities were selected based on their extensive public and private tree canopies which are similar to the Village and because many builders/developers/architects who perform work in the Village also work in these communities; this experience is particularly informative to learn from a private property perspective what regulations work well and what may not.

The ordinances in these communities can be very technical in nature and the following is intended to be a high-level summary of the measures in place to protect each community's tree canopy. In general, the requirements are similar to one another with replacement trees, or fees in lieu of replacement trees, required for the removal of certain private property trees. All communities allow for the removal of trees that are dead/dying/diseased/hazardous without requiring any replacement trees or fees in lieu of replacement. Some ordinances do allow the municipality to prohibit the removal of private property trees in certain circumstances, albeit such denials are rare and always include an appeal process which goes through a commission, zoning board and/or elected governing body.

#### Glenview

Requires replacement, or a fee in lieu of replacement, for any "landmark tree" removed on private property. Glenview classifies trees based on quality/desirability with the number of replacement trees or fee scaled accordingly. For more desirable species, such as Oaks and Hickory, any tree which is 16" or more in diameter triggers the replacement requirements while less desirable species such as Cottonwoods or Silver Maples trigger the requirements at 20" or greater. Replacement is not required if a property is able to maintain at least 16 inches DBH for every 1,000 square feet of land area in the combined area of the required front yard and buildable area of the lot and that at least 16 inches of DBH of remaining trees is located in the required front yard of the property.

#### Highland Park

Requires a permit and replacement for the removal of any tree greater than 8" in diameter. The replacement value increases based on the size and species of tree. For trees designated as 'Heritage Trees' which include Oaks greater than 30" DBH, Elms greater than 40" DBH, Hickory greater than 20" DBH, and Walnut greater than 30" DBH, zoning approval, including notice to neighbors, is required and removal of the tree can be denied.

#### Lake Forest

Requires a permit and replacement on an inch per inch basis for the removal of any tree greater than 10" in the front yard and 18" in the rear yard. Trees removed which are greater than 25" in DBH require double inch for inch replacement. Replacement trees are not required if the tree remaining on private property would deny the applicant all reasonable and economically viable uses of the property.

#### Lincolnshire

Requires a permit and replacement for the removal of any tree greater than 6" in DBH. Replacement is on an inch-per-inch DBH basis, as adjusted for equivalent value (the tree value is based on the characteristics of the tree). Prohibits the removal of 'Heritage Trees' for the purpose of installing or erecting an unattached amenity and no trees shall be removed if the new unattached amenity exceeds 10% of the rear yard. Unique to Lincolnshire is an incentive program which provides for a tree planting credit when a property owner proactively plants new trees which can be used to off-set future replacement requirements.

### Northbrook

Requires a permit and replacement for the removal of any tree greater than 12" in diameter breast height. For a heavily wooded lot, trees that are not classified as 'Landmark' or 'Heritage' can be removed without replacement so long as 12 diameter inches of tree remain per 1,000 square feet of land area in all required yards. The removal of healthy 'Heritage Trees' is prohibited unless approved by the Village Board.

### Winnetka

Requires a permit and replacement of any tree greater than 8" in DBH. Village staff may deny a tree removal permit if the applicant does not demonstrate that the removal is necessary to avoid or alleviate a practical difficulty or particular hardship on the property. Property owners may appeal the denial of a tree removal permit to the Winnetka Environment and Forestry Commission; if the permit denial is affirmed, the applicant can appeal to the Village Board.

### Cost of Replacement

Each of the above communities, except Lake Forest, provides an option to pay a fee in lieu of planting replacement trees or requires a deposit for the planting of new trees. The table below demonstrates the fees paid in each municipality.

<b>Community</b>	<b>Minimum Tree Diameter (DBH)</b>	<b>Replacement Fee / Deposit Fee</b>	<b>Tree Removal Permit Fee</b>
Winnetka	8"	\$250 per inch DBH	None
Glenview	16" – 20"	\$350 per tree planted	None
Northbrook	6"	Up to \$250 per inch DBH	None
Lincolnshire	6"	\$2,000 to \$3,000	None
Lake Forest	10"	None; tree planting required	\$40
Highland Park	8"	Construction- Up to \$2,400 Non-Construction- Up to \$200 for every 10 inches of DBH	None

### **Documents Attached**

1. Appendix 1- The Value of Trees
2. Appendix 2- History of Tree Preservation Policy in Wilmette
3. Appendix 3- Tree Removal Species Comparison- 2006 and 2019
4. Wilmette Tree Canopy Coverage Ordinance
5. Chicago Tribune article dated April 26, 2007

## **Appendix 1- Value of Trees**

Denoted below is a widely shared summary of the various benefits trees provide from the International Society of Arboriculture and USDA Forest Service. These include environmental (air quality, greenhouse gas and stormwater), social, economic (energy savings, property values) and communal.

### Energy Savings

Trees provide shade which reduces the amount of radiant energy absorbed and stored by built surfaces. The transpiration process (water movement through plants) converts moisture to water vapor and thus cools the air by using solar energy that would otherwise result in heating of air. Likewise, wind-speed direction reduces the movement of outside air into interior spaces and heat loss where thermal conductivity is relatively high (glass windows).

### Greenhouse Gas

Trees directly sequester carbon dioxide as woody and foliar biomass as they grow. Trees near buildings can reduce the demand for heating and air conditioning, thereby reducing emissions associated with electric power production and consumption of natural gas.

### Air Quality

Trees absorb gaseous pollutants (ozone and nitrogen dioxide) through leaf surfaces, intercept particulate matter (dust, ash, dirt, pollen, smoke) and release oxygen through photosynthesis. Trees transpire water and shade surfaces which lowers air temperatures, thereby reducing ozone levels. They also reduce emissions from power generation by reducing energy consumption.

### Stormwater

Trees provide stormwater benefits in a multitude of different ways. First, leaves and branch surfaces intercept and store rainfall, thereby reducing runoff volumes and delaying the onset of peak flows. Secondly, root growth and decomposition increase the capacity and rate of soil infiltration by rainfall and reduce overland flow. Lastly, tree canopies reduce soil erosion and surface transport by diminishing the impact of raindrops on barren surfaces.

### Social, Economic and Communal

Includes such things as wildlife habitat, beautification, improved human health, privacy, shade that increases human comfort, sense of place, and well-being. The difference in sales prices of houses reflects willingness of buyer to pay for benefits and costs associated with trees. The total benefit or value for a given tree can be reflected in the tree's annual increase in leaf area.



### i-Tree Software Application (Tree Benefits Calculator)

In 2010, the Village participated in a tree benefit study conducted by the USDA Forest Service and Davey Resource Group. The purpose was to utilize parkway tree inventory data from various communities and quantify tree benefits utilizing the i-Tree software application. The in-depth i-Tree project is the result of a cooperative effort between the USDA Forest Service, Davey Tree Expert Company, The Arbor Day Foundation, Society of Municipal Arborists, International Society of Arboriculture, Casey Trees and SUNY College of Environmental Science and Forestry.

Denoted in the table below is summary of quantified annual tree benefits utilizing the i-Tree software application for the top six tree species in the Village (i.e., honey-locust, silver maple, Norway maple, swamp white oak, hackberry and American linden).

<b>Benefits (i-Trees)</b>	<b>Diameter (inches)</b>	<b>5</b>	<b>10</b>	<b>15</b>	<b>25</b>	<b>35</b>
<b>Water</b>	<b>\$</b>	\$2.46	\$2.78	\$4.85	\$10.06	\$14.87
	<b>Gals</b>	306.84	346.87	606.11	1257.92	1858.09
<b>Energy</b>	<b>\$</b>	\$27.28	\$44.54	\$68.73	\$101.77	\$123.89
	<b>kWh</b>	38.33	63.60	112.19	161.08	207.73
	<b>Therms</b>	15.56	25.30	37.65	56.25	67.32
<b>Property</b>	<b>\$</b>	\$51.53	\$60.99	\$74.33	\$84.39	\$72.02
	<b>Leaf Surface</b>	85.65	101.36	123.54	140.26	119.70
<b>Air Quality</b>	<b>\$</b>	\$0.38	\$0.94	\$1.60	\$2.76	\$3.71
	<b>lbs.</b>	0.00	0.00	0.00	0.00	0.50
<b>Greenhouse Gas</b>	<b>\$</b>	\$0.03	\$0.07	\$0.11	\$0.18	\$0.24
	<b>Avoided (lbs.)</b>	5.61	13.38	23.61	33.89	43.71
	<b>Sequestered (lbs.)</b>	3.64	9.37	16.06	28.64	35.37
<b>Total Yearly (\$)</b>		<b>\$81.68</b>	<b>\$109.31</b>	<b>\$149.62</b>	<b>\$199.17</b>	<b>\$214.72</b>

Per the Chicago Region Trees Initiative, the value of public and private trees in Wilmette, as calculated with i-Tree Landscape is \$1,748,500 with an additional value of \$3,419,900 in carbon storage.

## **Appendix 2- History of Tree Preservation in Wilmette**

Tree preservation and tree protection have been discussed several times in Wilmette over the past 30 years.

The earliest records available in Community Development are from 1991-1992 when tree preservation was looked at by the Administration Committee and the Historic Preservation Board (precursor to the Historic Preservation Commission). At that time, a draft ordinance (1991-O-93) proposed that a tree permit be required to remove any tree with a diameter of 10" or greater as measured 2' above ground level. The property owner would be required to replace the tree with a new tree not less than 4" in diameter. The draft ordinance was not acted upon.

In July of 1994, a resident approached the Appearance Review Commission (ARC) about protecting trees on private property. The first hearing was held on September 12, 1994 by the ARC. The Village Board directed a survey, which was done through The Communicator in January of 1995. There were 346 respondents out of 10,700 households. The majority of respondents did not favor requiring a tree removal permit and related restrictions. From this result, the ARC recommended to the Village Board that a Tree Education Program be implemented. The ARC held three additional public hearings on May 1, June 5, and October 16 of 1995. From those meetings was generated another Tree Preservation Ordinance draft which was circulated to the Village Board on March 27, 1996. Feedback was given to the ARC who continued to work on the draft.

On August 4, 1997, the ARC voted to recommend a draft ordinance for consideration by the Village Board. This draft ordinance called for a permit to be required to remove any tree 12" DBH (diameter at breast height) or greater in a required yard. The required yards were those designated the required front, side, and combined side yards by the Zoning Ordinance. Tree replacement was required with a tree a minimum of 4" in diameter measured at 6" above ground level. Tree protection during construction would be required for all trees 12" DBH and greater. Variations could be granted by the Director of Community Development; appeals of his/her decision would be made to the Zoning Board of Appeals.

The Village Board discussed the recommendation at the August 26, 1997 Village Board meeting. Ultimately, the Board elected not to adopt an ordinance at that time, stating that builders and property owners knew the economic value of trees and it was in their interest to preserve them, there is the potential for conflict between tree protection and the owner's rights under the zoning ordinance, trees are protected in the parkway, and the 1995 survey showed a lack of support for regulation on the issue.

In 2001 a resident survey was conducted which included a question about agreeing or disagreeing with a statement about being required to preserve a tree greater than 12" in diameter on private property or provide a replacement. Of the 2,452 responses, 60% agreed somewhat or strongly that the Village should play a role in removal, preservation or replacement of trees of 12" diameter or greater.

The next record of discussion is from early 2002 with a request from Village President Nancy Canafax to the Plan Commission to revive the 1997 draft tree protection ordinance with the change of deleting references to protection only in required yards. This came about after a process in 2000 where the Plan Commission did a review of zoning regulations as they pertained to teardowns and additions. During two public meetings, one for builders and one for residents, the Plan Commission heard that a tree ordinance would be effective in preserving the character of the neighborhood.

At the January 22, 2002 Village Board meeting, the Board referred discussion of a tree ordinance to the Administration Committee, based on a recommendation from the Plan Commission. The Committee met and requested research from staff. These materials were presented to the Committee on June 22, 2002.

The Administration Committee reviewed the matter in April of 2003. By June of 2003, the Administration Committee reviewed a proposal that included: a tree removal permit, requirement for tree replacement when a protected tree (primarily defined as a tree on private property that is greater than 10 inches in diameter) is removed, tree protection measures for protected trees on site and within 15' of the lot line on adjoining lots, notice to adjoining properties where trees might be impacted by removal or construction, incorporation of a tree rating formula, tree removal permit fee up to \$425 when for demolition and new construction, and an appeal process to the ARC. These concepts were contained in draft ordinance 2003-O-54, which the Village Board took public comment on July 22, 2003.

On October 14, 2003, a separate ordinance only for tree protection during construction, ordinance 2003-O-63, was adopted.

In June of 2004, a Village Trustee proposed draft ordinance 2004-O-65 to define and protect "heritage and landmark" trees. This ordinance was based on Northbrook's revised 2001 ordinance; this ordinance was not adopted. Subsequently, in 2006 the Village Board expanded the site maintenance requirements to improve tree protection and the LUC initiated a review of tree preservation which resulted in the tree canopy coverage requirements that are currently in place.

### Appendix 3- Species removal comparison

Below is a comparison of trees removed by species.

Tree Species	2006	2019
Acacia	1	0
Accolade Elm	0	1
American Elm	2	21
Apple	2	0
Ash	14	18
Austrian Pine	0	20
Bald Cypress	0	2
Beech	1	1
Birch	2	7
Black Locust	0	1
Black Walnut	1	1
Blue Spruce	4	10
Box Elder	12	30
Bradford Pear	0	1
Buckthorn	0	1
Burr Oak	0	5
Chestnut	1	0
Cherry	0	3
Chinese Elm	0	1
Copper Birch	1	0
Cottonwood	1	5
Crabapple	2	14
Cypress	0	1
Elm	8	33
European White Birch	0	1
Evergreen	1	7
Fir	2	1
Gingko	2	1
Hawthorn	2	5
Hemlock	0	1
Honey Locust	2	16
Hornbeam	0	1
Horse Chestnut	1	4
Katsura	1	0
Linden	1	13
Locust	3	5
Maple	14	25
Mulberry	12	30

Norway Maple	5	16
Norway Spruce	5	4
Oak	11	20
Pear	0	5
Pin Oak	0	1
Pine	8	54
Plum	1	0
Poplar	2	0
Red Bud	0	1
Red Maple	0	1
Red Oak	1	1
River Birch	0	17
Russian Olive	0	1
Siberian Elm	1	10
Silver Maple	12	18
Spruce	1	32
Sugar Maple	1	8
Swamp Oak	0	5
Sycamore	2	2
Tree of Heaven	0	1
Tulip	1	0
Walnut	0	1
White Ash	0	1
White Fir	0	1
White Oak	0	2
White Pine	3	4
White Spruce	0	1
Willow	3	3
Total trees identified	150	496

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**Sec. 8-209. Grading and Drainage Permit application form.**

- (a) The applicant shall submit the Grading and Drainage Permit application form supplied by the village and provide the following information:
  - (1) Address and permanent index number (PIN) of the site;
  - (2) Name, address and telephone number of the applicants;
  - (3) Name, address and telephone number of all contractors, subcontractors or other persons performing the activities at the site;
  - (4) Description and schematic depiction of the project; and
  - (5) Signatures of the owners of the site.
- (b) In the case of projects requiring a Grading and Drainage Permit under sections 8-176(2) and 16-176(4), which are also determined not to require a Site Grading and Drainage Plan under section 8-210 but which will result in an increase of 50 percent or more of lot coverage (as defined in section 30-2.1.3 of appendix A of this Code) on the subject property, the Grading and Drainage Permit application shall be supplemented to disclose whether any tree or trees will be removed as part of the project that require a Tree Removal Permit pursuant to article IX of this chapter. If one or more such trees will be removed as part of the project, then the applicant shall also submit additional materials to show that either:
  - (1) After the trees are removed, the property will have a minimum canopy coverage of at least 35 percent of the total lot area, as described in section 8-210(c)(2);
  - (2) That the tree removed will be replaced with another tree of at least two inches caliper and also of the same Canopy Size Category as set out in the Species and Mature Canopy Area Table provided for in in section 8-210(c)(2);
  - (3) The provisions of this subsection (b) shall apply only to projects not covered by the requirements of section 8-210.

(Code 1993, § 9-3.4.4.2; Ord. No. 2003-O-81, 11-11-2003; Ord. No. 2006-O-85, 11-14-2006; Ord. No. 2007-O-34, 4-24-2007; Ord. No. 2019-O-39, § 2, 6-25-2019)

**Sec. 8-210. Site Grading and Drainage Plan.**

- (a) *Application review.* Upon submittal of a complete application form and Grading and Drainage Permit fee, the Village Engineer will determine whether a Site Grading and Drainage Plan will be necessary and, if so, the level of plan detail that will be required.
- (b) *Plan detail.* The Site Grading and Drainage Plan may include:
  - (1) Name, address and telephone number of the civil engineers responsible for the preparation of the Site Grading and Drainage Plan;
  - (2) Legend;
  - (3) Scale of drawing;
  - (4) Site address;
  - (5) Existing and proposed topography of the entire site taken at one-foot contour intervals;
  - (6) Contour intervals that extend a minimum of 25 feet off-site, or sufficient enough to show on- and off-site drainage and spot elevations as may be appropriate;

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- (7) Site property lines and all drainage and utility easements on, under or across thereto;
  - (8) Location and representation of all existing natural drainage and run-off patterns, swales and flows, as well as manmade drainage facilities, and all proposed natural and manmade drainage facilities, including all surface and subsurface drainage devices, walls, cribbing and dams on or within 50 feet of the site;
  - (9) Delineation of the drainage area and the drainage area served by all existing and proposed downspouts, footing drains and sump pump discharges, and the disposition of discharge therefrom;
  - (10) Location of the proposed areas of excavation, fill, storage and disposal of earth materials, including the method of soil protection such as seeding, burlap, or hay bales;
  - (11) Location and identification of existing vegetation, proposed vegetation to be placed on the site, and vegetation to be removed from the site, specifically including the location, species and size in diameter breast height (DBH) stated in inches and measured at 4½ feet above the existing grade at the base of every existing tree located on the subject property;
  - (12) Location of any existing and proposed buildings and structures, including top of foundation, garage slab, and elevations of proposed finished grade at all significant points around the proposed building or structure, including window wells, patios and swimming pools;
  - (13) Impervious surface area calculation;
  - (14) Delineation of the measures that will be used to control surface erosion and run-off from the site after all buildings, structures and permanent improvements have been erected on the site;
  - (15) Elevation and descriptions of the benchmark utilized for the Site Grading and Drainage Plan. The FEMA datum should be used for all properties located either entirely or partially in the regulatory floodplain;
  - (16) Three to five representative cross-sections for each side yard between another residence. Cross-sections shall extend between the top of foundation (T/F) of the proposed residence to the T/F of the existing residence;
  - (17) Locations of all manholes, utility structures, fire hydrants, street lights, curbs, sidewalks, transformers, junction boxes and pads/pedestals located in the public right-of-way, or in any easements on the subject property;
  - (18) To the extent the Site Grading and Drainage Plan includes a connection to a village storm sewer, provide the size and location of all sanitary and storm sewers, water mains, and open ditches located in the public right-of-way or in any easement. The rim and invert elevation shall be provided for all storm and sanitary structures within or near the vicinity of the subject property. The direction of flow for all storm and sanitary sewers and open ditches must also be provided, as well as the methods to be used to protect them;
  - (19) Location of stone haul road;
  - (20) Certification. Certification that the proposed project will not result in drainage, erosion or run-off which adversely impacts adjacent properties or public rights-of-way; and
  - (21) Location of soil storage.
- (c) *Submittal of Site Grading and Drainage Plan.*
- (1) The Site Grading and Drainage Plan shall be prepared and stamped by a licensed Professional Engineer, and drawn to a scale of one inch equals 20 feet. The plan shall be submitted on paper measuring 11 inches by 17 inches. With the prior approval of the Village Engineer, for certain large or multi-parcel projects, the plan may be on paper measuring 24 inches by 36 inches. Two copies of the Site Grading and Drainage Plan shall be submitted to the Village Engineer.

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- (2) If the Site Grading and Drainage Plan is submitted in connection with demolition or construction of a principal building or structure on a lot zoned R, R1 or R2, then the Site Grading and Drainage Plan shall additionally show that, upon completion of the permitted work, the site will meet the minimum canopy coverage requirement of this subsection.
- a. The minimum canopy coverage shall be no less than 35 percent of the total lot area. For the purposes of this section, the term "canopy coverage" means the percentage of the total lot area of the subject property, expressed in square feet, covered or delimited by the drip line of:
1. All existing trees on the subject property proposed to be retained, and for which the applicant will provide such tree protection as is necessary to protect and retain said trees;
  2. All existing trees on adjacent property or adjacent public right-of-way whose canopies extend into total lot area of the subject property;
  3. All proposed new trees to be planted on the subject property, projected at maturity, in accordance with the Species and Mature Canopy Area Table. If the permit applicant intends to satisfy the canopy coverage requirements of this section by planting trees of a species not referenced in the Species and Mature Canopy Area Table, then the projected mature canopy coverage shall be as reasonably determined by the Village Engineer. All new trees planted under this subsection shall be credited toward the required minimum canopy coverage based on 100 percent of their projected canopy at maturity, regardless of whether that projected canopy at maturity would extend over adjoining property;
  4. For the purposes of this section, the term "total lot area" shall not include any portion of the lot subject to public right-of-way, utility easements or right-of-way, vehicular easements or pedestrian easements;
  5. For the purposes of this section, the Species and Mature Canopy Area Table shall consist of a reference table published, and amended from time to time, by the village and approved by Resolution of the President and Board of Trustees, said table to set forth descriptions of various species and cultivars of trees, their mature canopy area, canopy size category, and such other data as may be necessary and appropriate under the provisions of this section.
- b. In calculating the canopy coverage of the subject property, each tree on the subject property that will be retained under subsection (c)(2)a.1 of this section shall have its canopy coverage multiplied by 1.5 if such tree is one of the following species and of the size indicated in diameter breast height (DBH):

<i>Species (all cultivars)</i>	<i>Minimum Size (in DBH)</i>
Oak	24 inches
Hickory	16 inches
American Elm	30 inches

- e. If the minimum tree coverage requirement set forth in this subsection (c)(2) is to be accomplished, in whole or in part through the planting of new trees, then the Site Grading and Drainage Plan shall show the location, species and size of such new trees as are reasonably approved by the village.
- f. If the minimum tree coverage requirement set forth in this subsection (c)(2) is to be accomplished, in whole or in part, through the preservation of existing trees on the subject property, then the Site Grading and Drainage Plan shall show the location, species and size of each such tree and the protection measures that shall be installed and maintained throughout



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the course of construction in order to prevent damage to the tree or compaction of its Critical Root Zone, in conformance with the requirements of article XII of this chapter.

- g. If the Site Grading and Drainage Plan identifies any trees on adjacent property or public right-of-way the canopy coverage of which extends over the subject property as described in subsection (c)(2)a.2 of this section, then the Site Grading and Drainage Plan shall show the location, species and size of each such tree and the protection measures that shall be installed and maintained throughout the course of construction in order to prevent damage to the tree or compaction of its Critical Root Zone, in conformance with the requirements of article XII of this chapter.
- (d) *Notice to adjacent property owners.* The applicant shall provide notice of the land-disturbing activities to any adjacent property owner, in the form to be provided by the village. Proof of said notice, by means of a signed affidavit form, shall be submitted at the time the application is filed.
- (e) *Submission of additional data.*
  - (1) The Village Engineer shall review all documentation submitted pursuant to this section and, if deemed necessary to evaluate potential adverse consequences from the proposed land-disturbing activity, the Village Engineer has the authority to request additional data, clarification or correction of data already submitted, and the authority to require additional or alternate measures based upon site conditions.
  - (2) Without limiting the generality of the foregoing, the Village Engineer may require the applicant to submit additional information concerning excavation plans proposed methods and techniques for same, as will enable the Village Engineer to determine whether the proposed land disturbing activity will adversely impact existing trees proposed to be retained on the subject property under the Site Grading and Drainage Plan, or will adversely impact existing trees on adjacent property.
  - (3) The Village Engineer may impose reasonable conditions on, or modifications to, the methods or techniques of any proposed excavation, trenching, foundation construction or other land disturbing activities in order to prevent or mitigate such adverse impact on trees, and any such restrictions shall be incorporated into the requirements of the Grading and Drainage Permit. Such conditions may include, but are not limited to, prohibiting excessive over-digging, requiring shoring, requiring directional boring instead of open trenching, or prescribing the methods of excavation, trenching or directional boring.

(Code 1993, § 9-3.4.4.3; Ord. No. 2003-O-81, 11-11-2003; Ord. No. 2006-O-85, 11-14-2006; Ord. No. 2007-O-34, 4-24-2007; Ord. No. 2008-O-53, 8-26-2008; Ord. No. 2019-O-39, § 2, 6-25-2019)

# Wilmette OKs a new tree policy

By **Dan Gibbard, Tribune staff reporter**

CHICAGO TRIBUNE

APRIL 26, 2007

**W**ilmette trustees have approved an innovative tree-replacement ordinance based on maintaining the village's leafy canopy, ditching a controversial inch-for-an-inch replacement formula that prompted a community backlash 18 months ago.

Instead of targeting homeowners who wish to remove a tree from their property, the new ordinance is aimed at new construction and large additions. It requires enough new or existing trees on the property that 10 years from the completion of construction, 35 percent of the site will be covered.

"The value of the tree really is in the canopy," Trustee Alan Swanson said Tuesday before the Village Board voted 6-0 to adopt the measure. "It's what provides the shade and cleans the air, and it is a public benefit that we share each other's canopy."

Edith Makra of the Morton Arboretum in Lisle, who worked with Wilmette, said basing tree policy on canopy coverage is "cutting-edge in the forestry business."

Wilmette's plan is not the only effective tree policy, she said, but "it's interesting and it's a good idea. I don't know of another community in the area that is doing this."

Under the 2005 proposal, anyone removing a mature tree had to either replace it with new trees whose trunk diameters added up to the size of the removed tree or pay hundreds or even thousands of dollars in fines. Considering few people would plant 12 2-inch trees to make up for a cutting down a 24-incher, it almost guaranteed homeowners would have to pay a fine.

Under heavy pressure from a grass-roots campaign that saw scores of "Trees Yes, Ordinance No" signs on yards all over town, the Village Board decided to send the issue back to committees. What they came up with, trustees say, was a plan that could be a model for the area.

The new law is complicated, trustees admitted, because there are tables that project how large the canopy will be for different species at different ages at the time of planting. On the plus side, developers can use the cover that comes from trees on neighboring property or parkways toward the 35 percent standard.

"Every other municipality we looked at used a diameter approach," said Trustee John Levin, who chaired one of the committees that worked on the ordinance. But such laws are "somewhat punitive and anti-renovation of property," he said. "You had to pay a lot of money to take down a tree, even if it made sense [to cut it down]."

During committee discussions, someone suggested looking at the urban canopy instead of at the number or size of trees, with the goal of maintaining the village's beloved green cover, Levin said.

The village worked with the [University of Illinois at Chicago](#) to study aerial photographs taken in summer 2005. The researchers concluded about 48 percent of the village was under the canopy.

"We were somewhat surprised" it was that high, Levin said, but officials decided to require less in replacement canopy because coverage was less over private property and heavier over public areas like roads and parkways.

Another key to the new law was projecting the size of new trees 10 years down the road, Levin said.

"If you have a 50-year-old tree, you're not going to be able to replace it immediately," he said. "It's almost impossible."

The village continues to require nominal-fee permits to cut down trees as part of a two-year study to see what kinds of trees are being removed and why, Village President Chris Canning said.

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**Meeting Date:** October 21, 2021  
**To:** Land Use Committee of the Village Board  
**From:** Michael Braiman, Village Manager  
**Subject:** Land Use Committee Mtg- Additional Agenda Material #1

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Enclosed please find the following additional agenda materials for the October 21, 2021 Land Use Committee meeting regarding tree preservation:

- PowerPoint presentation for the meeting
- Letter from Go Green Wilmette



# Tree Preservation

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OCTOBER 21, 2021

LAND USE COMMITTEE

# Introduction

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- The Land Use Committee is tasked with reviewing the Village's Tree Preservation policies which include:
  - Tree removal permits
  - Tree canopy coverage requirements
  - Tree Protection

# Committee Review Process

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- October 21
  - Review Wilmette specific tree data and policies
  - Review policies in similar communities
  - Solicit public feedback (at all meetings)
- November
  - Determine preferred policy approach
- December
  - Review details of preferred policy and provide direction to staff
- January
  - Review draft ordinance and recommend policy changes, if any, to Village Board

# What is the Purpose of the LUC Review?

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- Trees provide enormous value to the community through environmental benefits, quality of life & essential character
  - Energy savings
  - Greenhouse gas
  - Air quality
  - Stormwater
  - Social, economic and communal
- Per the Chicago Region Trees Initiative (2010 study), the value of all trees in Wilmette is \$1.75M plus \$3.4M in carbon storage
  - 80% of Wilmette's tree canopy is on private property



# What is the Purpose of the LUC Review?

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- The goal is to ensure sufficient policies are in place to preserve the Village's urban canopy and essential character which includes adequate environmental protections while balancing such policies against private property rights and the desire for continued re-investment in the Village's housing stock

# Topics to Review this Evening

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- Wilmette specific tree data
- Overview of existing tree regulations
- Overview of tree regulations in nearby communities



# Wilmette Tree Data

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# Wilmette Specific Tree Data

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Year	Tree Removal Projects	Total Trees Removed	Permit Revenues
2006	228	342	\$6,840
2009	257	215	\$4,730
2012	382	369	\$9,963
2015	318	364	\$10,560
2019	330	476	\$13,804
2020	325	587	\$17,010

Note: Data is imperfect and illustrative only. Permit data is self-reported by the applicant and fees are waived for trees removed which are dead/dying/diseased

# Wilmette Specific Tree Data

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DBH (in inches)	2006	2019
10 to 18	85	229
19 to 36	54	161
37 to 55	10	25
Over 55	3	3

Note: Data is imperfect and illustrative only. Permit data is self-reported by the applicant

Reason	2006	2019
Dead/Dying/Diseased	49 (33%)	294 (65%)
Hazardous	6 (4%)	22 (5%)
Too Close to Existing Structure	19 (13%)	29 (6%)
Overgrown	8 (5%)	17 (4%)
Construction	48 (33%)	56 (12%)
Storm Damage	5 (3%)	11 (2%)
Good Forestry/Invasive	- (0%)	10 (2%)
Too Much Shade	7 (3%)	3 (1%)
New Landscaping	- (0%)	3 (1%)
Nuisance	5 (3%)	4 (1%)



# Wilmette Tree Policies

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# Tree Removal Permits

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- Fee of \$29 per removal for a tree which is 10" or greater in diameter breast height (DBH)
- Maximum penalty for removal without a permit is \$1,500
- There are no required inspections and permits can be issued "over-the-counter"
  - Foresters will inspect at request of applicant to determine if the tree is diseased/dying in order to waive the permit fee

# Tree Canopy Coverage Requirements

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- Implemented in 2007 to preserve the Village's robust tree canopy
- Is limited to projects involving:
  - Demolition
  - New construction
  - Additions which increase lot coverage by 50% or more and are removing a tree which requires a tree permit



# Tree Canopy Coverage Requirements

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- When applicable, 35% of the property must be covered by tree canopy:
  - Trees on the public ROW and adjacent properties may count toward the coverage requirement
  - Existing Oak (24"+), Hickory (16"+) and American Elm (30"+) receive a bonus coverage multiplier of 1.5x
- If the property is unable to meet the 35% coverage with existing trees, new trees must be planted onsite which, at maturity, would provide 35% canopy
  - On a typical 7,500 square foot lot this is often accomplished by planting one shade tree

# Tree Canopy Coverage

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- The ordinance was implemented under the grading section of the Village Code
  - For applicable projects, plan submittals must show the site will meet the minimum canopy coverage requirements
  - Grading reviews for new homes are conducted by Christopher Burke Engineering and by Village engineering staff for demolitions and additions
  - Upon completion of construction, an inspection is conducted to ensure the project was completed in accordance with the approved plan

# Tree Protection

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- Tree protection is required for the following land-disturbing projects:
  - Demolition and new construction
  - Additions
  - New accessory structures
- Not required for exact replacement of driveways, sidewalks, decks, patios, etc.
- Trees on the parkway must be protected as well as trees on adjacent properties which are being applied to meet the 35% canopy coverage requirement
- Tree protection includes temporary fencing installed along the critical root zone

# Tree Protection

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- Village Foresters work directly with contractors during the demolition permitting process to:
  - Identify the trees to be protected
  - Verify construction access point
  - Installation of tree protection fencing
- Village staff does not conduct tree protection compliance inspections during the course of construction
- For projects which do not trigger mandatory tree protection, the Village Code requires construction sites to be maintained in good, clean and safe condition
  - Trees may not be damaged during the course of construction and the Village may issue fines and stop work orders for damage to private property trees

# Tree Protection- Neighbor Notification

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- Property owners of any tree within 15 feet of the lot line must be notified of impending construction prior to a building permit being issued
- No permits may be issued until 5 days after the notice has been received
- Applicant must submit an affidavit attesting that the notice was provided or that there are no trees within 15 feet of the lot line



# Tree Policies in Nearby Communities

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# Communities Reviewed

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- Preservation policies reviewed in:
  - Glenview
  - Highland Park
  - Northbrook
  - Lake Forest
  - Lincolnshire
  - Winnetka

# Standard Provisions

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- The policies in these communities are generally similar:
  - Replacement tree plantings, or a fee in lieu of new trees, is required for removal of trees over a certain size and/or species
    - The average size the policies are triggered is 9" DBH
    - Fees in lieu of plantings can be several thousand dollars and are based on the size and/or species of tree removed (example: Winnetka & Northbrook fee is \$250 per inch DBH)
    - Fees are deposited into a Tree Fund to offset future tree-related expenses
  - Allows for the removal of dead/dying/diseased trees without replacement requirements
  - Include additional protections (or greater replacements/payments) for desirable trees, often referred to as "Heritage Trees", "Landmark Trees" or "Key Trees"
  - Some ordinances allow the municipality to deny a removal permit:
    - Such denials are rare and generally apply to "Heritage Trees" or similar designation
    - Always subject to an appeals process to an appointed and/or elected governing body



# Next Steps

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- Identify additional research or information the Committee may need to help inform the policy
- Schedule a Land Use Committee meeting in November to consider the preferred policy option:
  - Maintain the existing canopy coverage concept
  - Adopt new standards similar to those in neighboring communities
- Clearly communicate upcoming meeting dates and discussion topics to stakeholders and the general public

**Date: October 18, 2021**

**To: To the Land Use Committee**

**From: Go Green Wilmette and concerned residents**

Go Green Wilmette and other concerned residents believe that Wilmette needs a more robust tree ordinance to preserve and protect our trees on public and private property. According to the Chicago Region Trees Initiative, 70%- 80% of Wilmette's trees grow on private property. With a stronger tree ordinance, we can preserve and expand Wilmette's tree canopy and receive the significant benefits that trees have to offer to the entire community.

We commend the Village for taking the time and effort to improve our current tree ordinance. A new, improved ordinance will demonstrate a forward-thinking approach that many other towns are taking to better equip themselves for climate change and changing environmental elements. Treating our trees as critical infrastructure will benefit the community now and for many years to come.

A well-crafted tree ordinance is not only a great tool but is essential for communities to protect, preserve and manage their urban forests. We believe that Wilmette's greatest natural asset is its number of mature trees. The value of mature trees to a local ecosystem adds up to much more than a calculation of its contribution to canopy coverage.

An ordinance is the toolbox and all the sections in an ordinance are the tools.  
Any ordinance is as good as its tools.

We hope that the care for our trees is based on nationally recognized standards. Urban forests are often the last thing funded or protected in a community. A well thought out tree ordinance will ensure that our urban tree canopy is going to give us the benefits that our community needs.

Wilmette's sustainability plan recommends that we adopt Chicago Region Trees Initiative's gold standard tree ordinance. CRTI asks municipalities to treat trees as critical infrastructure, and care for them the same way they care for our streets, sewers, and waterlines.

Smart towns, cities and countries around the world are using trees as effective tools to cope with climate change. Preserving and growing our canopy is not a luxury. It's a necessity for meeting climate and equity challenges.

#### **Go Green Wilmette's recommendations:**

- **Situate Wilmette's tree ordinance in one place:**

Any new ordinance should be clear and easy to understand. We and others have found our current ordinance difficult to use, particularly because the rules on trees are in different parts of the Village Code.

- **Clear purpose and intent:**

We recommend that the ordinance begin with a section that states its purpose and establishes the Village's commitment to trees and the community good they provide.

- **Definitions:**

We suggest that the new tree ordinance include a list of explanatory definitions, so that residents and others can more easily understand the terms in the ordinance, many of which are specific to forestry.

- **Protected trees:**

We recommend that all trees with a DBH of 6" or greater on private property be subject to the protections set forth in the ordinance and be called protected trees. Wilmette's recently proposed Sustainability Plan recommends that the Village adopt the CRTI Gold Standard tree ordinance, which uses 6" DBH.

Invasive trees like Buckthorn, Tree of heaven and other invasive trees should not be considered protected trees.

- **Heritage and Key trees:**

Certain species of trees warrant even greater protection. These trees are designated in many other village ordinances as Heritage, Legacy, or Key and deserve special protection because they are valued more highly for their environmental, habitat, or historical value.

- **Tree Survey:**

We recommend that the ordinance require a tree survey to be filed with the Village as part of the permit application process prior to construction or remodeling.

- **Tree replacement:**

If protected trees that are not diseased, dying, or dangerous are removed under the rules of the ordinance, property owners should be required to replace trees.

- **Tree Bank:**

We recommend that the ordinance create a Tree Bank. Many of the ordinances we examined, as well as CRTI's gold standard ordinance, recommended establishing one. The idea is that when trees are removed, but there is not enough space on the property to accommodate the required number of replacement trees, the homeowner would be required to place funds into a tree bank equal to the cost of those trees that they are unable to place on their property. Those funds can be used to enhance our town's tree canopy.

- **Involve the Village foresters:**

As a tree expert, our ISA certified foresters should be part of the construction planning process from the beginning, because their job and training is to protect and preserve trees. The trees of our village suffer when the forester is not engaged in this process from the start.

Thank you for your consideration.

Saima Abbasi, Linda Kurtz, Kathryn Calkins, and Amy Downey (Go Green Board Members)  
Anne Nagle, Piper Rothschild



**Meeting Date:** October 21, 2021  
**To:** Land Use Committee of the Village Board  
**From:** Michael Braiman, Village Manager  
**Subject:** Land Use Committee Mtg- Additional Agenda Material #2

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Enclosed please find the following additional agenda materials for the October 21, 2021 Land Use Committee meeting regarding tree preservation:

- Email communication

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**From:** marie jones <marie.thourson@gmail.com>  
**Sent:** Thursday, October 21, 2021 11:30 AM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** Trees

Hello Land Use Committee,

I have looked over the materials regarding Tree Preservation. I have lived at 1058 Linden for 30 years. There have been a number of large developments nearby, especially on Greenleaf, that resulted in the loss of a number of healthy old oaks. That block is zoned central village.

The building at 1107 Greenleaf was required to plant parkway trees and rear landscaping trees. One or two of the parkway trees have died and apparently the building owners are not required by the Village to replace them. This is an oversight in my view and I would urge the Committee to make sure that the commitment to plant trees includes a requirement to maintain tree coverage in the future. Especially with the new Optima building showing trees in the projections of the building, it would be good to know that the Village expects the trees to be maintained and replaced as needed.

The Village must not have imposed significant tree-replacement conditions on the newer building at 1121 Greenleaf . (There had been an old farmhouse and large yard and trees on that property. I did not attend the meetings that approved the final plans, as I was told by Community Development that the building would require no variations and therefore could be built "by right." I had assumed (incorrectly) that the builder would be required to plant several trees on the parkway or in the rear, but that has not happened. There is just one new tree on the parkway and some scrubby bushes in the back. Does this mean that the tree replacement ratio is too low?

There are several other properties on that block of Greenleaf that now have large trees and might be redeveloped in the reasonably near future. The actions of your committee will help determine just how green that area will remain.

Thank you for considering these points.

Marie Jones  
1058 Linden



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**NOTICE OF MEETING  
Of the  
LAND USE COMMITTEE OF THE  
BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE**

**Tuesday, November 16, 2021 at 7:00 P.M.  
Village Hall Council Chambers  
1200 Wilmette Avenue, Wilmette, Illinois**

**AGENDA**

- I. Call to Order**
- II. Approval of Minutes**  
Minutes of the Land Use Committee meeting of October 21, 2021
- III. Continue Discussion of the Village of Wilmette's Tree Preservation Policies**
- IV. New Business**
- V. Public Comment<sup>1</sup>**
- VI. Adjournment**

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<sup>1</sup> Members of the public that attend the above noticed meeting may address this public body during Public Comment. Members of the public that will not be attending the above noticed meeting may submit a comment in advance of the meeting by emailing their comment to [publiccomment@wilmette.com](mailto:publiccomment@wilmette.com). All emailed comments received two hours prior to the start of a meeting will be provided, unredacted, to the public body. Emails received at any time within two hours of the beginning of the meeting until its adjournment will be included in the draft minutes of the meeting.



**MINUTES OF THE LAND USE COMMITTEE  
THURSDAY, OCTOBER 21, 2021  
7:30 P.M.  
COUNCIL CHAMBERS**

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Members Present: Trustee Peter Barrow, Chairman  
Trustee Kathy Dodd  
Trustee Gina Kennedy

Members Absent: None

Staff Present: Michael Braiman, Village Manager  
Lisa Roberts, Assistant Community Development Director  
Guy Lam, Deputy Director of Public Works  
Kevin Sorby, Village Forester  
Rob Wasley, Village Forester

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**I. Call to Order**

Chairman Barrow called the meeting to order at 7:30 p.m.

**II. Approval of the meeting minutes of the Land Use Committee/Special Zoning Committee meetings of June 29, 2021 and October 11, 2021.**

Trustee Dodd moved to approve the minutes from the meetings of June 29, 2021 and October 11, 2021. The motion was seconded by Trustee Kennedy. All voted aye. The motion carried.

**III. Discussion of the Village of Wilmette's Tree Preservation Policies**

Chairman Barrow said all Trustees are involved in a variety of matters, all important to the residents. He said some are routine matters like contract approval, but others are important to specific residents like a zoning matter such as the location of a generator. He said others affect the appearance and quality of life in Wilmette now and for generations, such as the

storm water project, the Optima project and the preservation of our essential tree resources. He said the work they begin tonight will affect our Wilmette and that of our children and generations to come. He said trees are critical to our infrastructure and what we do tonight will be among the most important things that our Board takes care of. He said this will be the first of several meetings to understand our current zoning ordinance, study our neighbors and make recommendations to the full Board. He said the Board will make the decision on how to change our ordinance, but he has a personal commitment to making our ordinance the very best along the North Shore and that other communities will look to what we have done as an example of the very best in tree protection. He then thanked staff for putting together the meeting materials and Go Green Wilmette for their expertise, information shared and engagement in this matter. He said he looks forward to hearing from the staff and involved residents and is excited to get started.

Trustee Dodd said she is super excited to be starting the process.

Village Manager Mike Braiman gave a presentation. He began by introducing the staff members present, including Guy Lam, Deputy Director of Public Works; Kevin Sorby, Village Forester; Rob Wasley, Forester and Lisa Roberts, Assistant Community Development Director. He then reviewed the background on Wilmette's tree preservation ordinance and said it is clear this is a complex topic. He said he expects this to be a thorough process and displayed a proposed timeline. He said the meeting in November will be critical, as it will shape the direction we want to take our ordinance. He said there would be subsequent meetings to fine tune what the policies will be. He said stakeholder sessions with Go Green Wilmette and landscapers, architects and contractors who work in the community have already been held to garner feedback for us to understand their thinking. He said in December the meeting will be regarding the details. He then said feedback from residents and others who work in the community will be ongoing. He said in January, we will draft an ordinance for the Committee to review and then on to the full Village Board for a final review.

Trustee Dodd said this is an aggressive schedule and she wants to be sure the community understands if the schedule is not strictly adhered to, it is not because the Committee is not taking it seriously. She said she is concerned with the holidays and other commitments like the budget process that it will be challenging to keep the pace set in the proposed timeline.

Chairman Barrow agreed and said if we need to push our timeline back, it can be done.

Mr. Braiman said the purpose of this review is to acknowledge the value trees provide our community. He said they are essential to the environment and the aesthetics of the community. He said our tree canopy is attractive to current and prospective residents so we must preserve it to the best of our ability while protecting private property rights. He said the Chicago Region Tree Initiative was invited to the meeting but could not make it. He said they have a lot of experience working on these types of ordinances so we will leverage their experience as we create ours. He said they studied tree canopies within Cook County in 2010 and have just recently done it again so it will be interesting to see the new data to see how our tree canopy has evolved since the 2010 study. He said there is no timeline for the release of this data but as soon as it is available, we will share with the Committee and community.



Trustee Kennedy asked if the 80% of trees on private property was a guess or fact.

Mr. Braiman said it is based on a GIS analysis from CRTI.

Mr. Braiman then discussed the review of the ordinance, stating it is imperative we are thoughtful, thorough and talk to as many stakeholders as we can because these types of ordinances are very complex and can become controversial. He said we need to be sure we are implementing what makes the most sense for Wilmette.

He said the Committee would be discussing tree data for Wilmette from 2006, which is just before the Land Use Committee drafted the tree preservation ordinance in 2007. He said the same data was compiled for 2019 as well. He said the bulk of the discussion this evening will center around reviewing existing regulations in our community as well as taking a look at nearby communities.

Mr. Braiman said our tree data is not perfect. He said it is illustrative and we should not rely on it as exact counts. He gave the example of 2009's removal projects totaling more than the total of trees removed. He said the data was self-reported by applicants and the system changed over time in how we have collected data. He also said from 2009-2012 is when we had many ash tree removals, which we did not charge a fee for. He said we calculated the total trees removed based on the permit revenues, but we did not collect fees on those trees. He said tree removals have evolved in the community over time, stating from 2006 to 2019 there is an increase to diseased and dying trees in the self-reported data in tree removal applications. He said the intern will be evaluating the data from 2019 to see how many of those trees are tied to removal due to construction. He said the hypothesis is that a number of these tree removals over the years have been due to the impacts of construction. He said all tree removal permits for diseased and dying trees will be reviewed and cross checked with building permits to see if there is a tie. He said this will be labor-intensive activity, but the results will be useful. Mr. Braiman said another issue to keep in mind is that we are an older community and trees have a life cycle. He said this is a natural process which may account for the increase in the number of dead and diseased trees. He said this will be investigated thoroughly.

Trustee Dodd said she is very interested in exploring this issue but feels it would be helpful to understand how many trees have been replaced.

Chairman Barrow concurred.

Trustee Dodd asked if there is a way to look at the age of these removed trees.

Mr. Braiman said not really. He said we can get information on the number of trees planted and can look at new construction permits to tie the removals to new plantings.

Trustee Kennedy said we do not require a permit to plant a tree so there is no reporting. Trustee Dodd asked if we would only know about replacement trees that resulted from new construction removals.

Mr. Braiman said only if they do not meet the canopy coverage requirements. He said we can see how many of the new construction permits had new plantings. He said there are certainly many other tree plantings happening in addition to those as well, including private property and parkway tree plantings.

Trustee Kennedy said we also track plantings on government property like the Village Green, the fire stations, etc.

Mr. Braiman asked if the planting of the holiday tree would count as a tree planting activity in our reporting measures.

Kevin Sorby, Village Forester, said yes.

Chairman Barrow asked if the Park District's activity is accounted for.

Mr. Sorby said no.

Chairman Barrow said there is a lot of land and trees on Park District property.

Trustee Dodd said there has been much discussion on trees located on Park District property.

Trustee Kennedy asked if our tree ordinances would apply to property owned and managed by other governmental entities.

Mr. Braiman said the tree canopy does not.

Trustee Kennedy asked if the exemption was in the ordinance.

Mr. Braiman said he would need to review the ordinance. He said there is some ambiguity in our ordinance.

Trustee Dodd said she would like to know what other communities are doing with their separate government entities and asked if it was legal to control their actions.

Mr. Braiman said the first question is if we can legally do that and the other question is should we.

He then discussed Wilmette's tree policies, beginning with tree removal permits. He said in 2006 a permit was created for the removal of any tree on private property that is 10" or greater in breast height. He said multiple tree removals would require multiple permits. He said the penalty for removing a tree on private property without a permit is \$1,500, and in the parkway, it is significantly higher.

Chairman Barrow asked how often the Village issues a penalty for tree removal without a permit.

Mr. Braiman said it is fairly common for the foresters to get a call when a resident is

removing a tree to check if they have a permit. He asked the foresters if they recall how often they end up with someone removing a tree without a permit.

Mr. Sorby said it does not happen often.

Mr. Braiman said tree removals are usually performed by professional companies who understand the rules. He said it is much easier to get away with doing unpermitted work inside your home. He said they could pull some data and get back to this later. He said he recalls 2 incidents in the last 7 years where there was non-permitted removal of a parkway tree.

Chairman Barrow guessed it goes on, but we simply do not capture it.

Mr. Braiman said it is possible, as if no one calls during the removal, a code enforcement officer would need to be driving by at the time of removal to enforce the permit requirement.

He then said tree removal permits are done at Village Hall at the permit counter and there is no inspection of the tree prior to removal. He said if you have a contractor who is licensed with the Village, you can obtain the tree removal permit. He said they do receive resident calls for the foresters to come out and inspect the tree to confirm a tree is dead or dying because the fee is then waived. He said this is a significant difference from other community policies that require the forester to inspect every tree being removed.

Chairman Barrow asked if this approach was effective for budgetary reasons.

Mr. Braiman said no it was due to canopy coverage policies. He said there are no restrictions or replacement requirements for trees that are removed so it does not necessitate an inspection.

He then moved on to the topic of canopy coverage requirements, stating they are limited to demolition, new construction, new additions increasing lot coverage by 50% or projects with tree removals. He said in 2007 this was the crux of the Land Use Committee's discussion.

Trustee Dodd asked what canopy coverage is and how it is calculated.

Rob Wasley, Forester, said 35% of canopy coverage is the requirement for builders at the time of occupancy to be issued. He said it can be from trees that are on property or an area that measures 35% of that lot's area.

Trustee Dodd asked how it is calculated.

Mr. Wasley said the foresters are not involved in the canopy coverage or review unless there is a large discrepancy, or a dead tree is involved. He said the engineering contractor does the calculation and the builder submits for review. He said the coverage will be verified. He said a tree's coverage that stretches from a neighboring property can be counted toward the 35%.

Trustee Barrow asked if you have a tree that is an evergreen type that does not branch out very far at the top, is that considered in the calculation of the canopy coverage.

Mr. Wasley said it depends. He said it would be up to the architect and engineer.

Trustee Barrow asked if they come out to inspect and measure trees when performing the calculations.

Mr. Braiman said no, it is self-reported. He said this is something that can be reviewed as a deficiency in the ordinance that can be improved upon.

Trustee Barrow asked what the 35% is part of.

Mr. Wasley said the square footage of the lot size.

Trustee Barrow said 35% of the lot must always be covered.

Mr. Wasley said the trees on neighboring or Village property can also count. He said if you do not meet the 35%, you can plant more trees that when fully grown, will provide enough coverage to meet the requirement.

Trustee Dodd asked if the calculations are based on mature trees.

Mr. Wasley said there is a species table which indicates tree type size and what each tree will attain at maturity. He said it is mature canopy that is considered in the calculation no matter when the tree is planted.

Mr. Braiman said the intent was to target maturity at 10 years. He said the species list utilized in the past listed trees that would get to that maturity level in 10 years. He said what is important is that the canopy coverage requirement has nothing to do with tree removals.

Trustee Dodd said if you remove a tree because it is dying and you are doing nothing else, you do not have to replace the tree.

Mr. Braiman said there is no requirement to replace any given tree that is removed. He said there is the requirement when you are doing demolition, new construction or certain additions, you need to meet the canopy coverage requirement.

Trustee Dodd said is that any demolition, new construction, etc.

Mr. Braiman said single family projects.

Trustee Dodd asked if you are putting on a small addition, would this fall into the new construction category.

Mr. Braiman said no.

Trustee Dodd asked if the addition had to be fairly large to trigger this requirement.

Assistant Community Development Director Lisa Roberts concurred. She said she checked with engineering staff who reported they see approximately 4 cases where the additions increase lot coverage to more than 50%.

Trustee Dodd asked if all the rest were for construction for a new home.

Ms. Roberts concurred.

Trustee Dodd then asked what the difference is between demolition and new construction.

Ms. Roberts said you can have demolition without new construction, indicating they have seen cases where people have purchased the home next to them and knocked it down but have not built anything.

Mr. Braiman said our demolition numbers closely align with new construction but do not match.

Ms. Roberts said when the original canopy coverage requirement was implemented it was part of the grading plan which meant an engineering professional was going out to survey the trees and performing the calculation. She said it is then stamped to attest the accurateness of the information, unlike the self-reported data on the tree removal permits.

Mr. Braiman said this is done to ensure the information is correct.

Trustee Kennedy said it is difficult to find the tree regulations in our ordinance. She said she hopes this is going to be addressed.

Mr. Braiman said the code needs to be reconfigured, so all the tree regulations are in one section and easy to understand.

He then said certain trees are awarded a bonus multiplier. He said hickory, oak and elm trees are valued more than other species, so they qualify for the bonus multiplier. He said this is found in neighboring community ordinances as well, but the implementation varies.

Trustee Kennedy said it says shade tree, but it is not clear what that means.

Deputy Public Works Director Guy Lam said there is a list of trees and their canopy percentage.

Trustee Kennedy asked for a copy.

Mr. Wasley said the list is not restrictive, but the choice of trees will affect the level of canopy coverage.

Chairman Barrow asked if the property owner gets to choose.

Village Forester Kevin Sorby said yes, from the list.

Mr. Braiman said this is consistent with other communities.

Trustee Kennedy said it makes sense because due to the coverage on neighboring lots, certain trees may not be viable.

Ms. Roberts distributed the list of tree species and their coverages.

Trustee Kennedy asked how the permit is handled with a tree that has multiple trunks.

Mr. Sorby said you measure all the diameters of the trunks at the base of the tree.

Mr. Braiman said there is always follow-up at the end of the project to ensure the canopy coverage ordinance is adhered to and if there is damage done to an existing tree during construction, this is identified and communicated. He said it is possible the coverage percentage may change, indicating a new tree must be planted to obtain final approval.

He then discussed the deposit requirement other communities employ for these types of projects. He said this is part of the reason the project is inspected on so many levels.

Chairman Barrow asked if anyone from Public Works or one of our consulting firms has an actual hand in the planting of the trees to ensure proper protocols are being followed.

Mr. Braiman said we do that for commercial projects, which is easier than doing it on a recurring basis.

He said when we talk about opportunities to improve our practices, this can be reviewed. He said; however, this will take more staff and time.

Trustee Dodd said on a lot that is 7,500 square feet, the canopy coverage requirement can be met by planting one shade tree. She asked for an example of one shade tree that fills that requirement.

Mr. Wasley gave the example of a property that he inspected recently who was at 29% canopy coverage. He said they were going to plant a hackberry tree and if you look at the species table, that accounts for 1,800 square feet, which put them over the canopy coverage requirement. He said honeylocust and burr oaks are other good examples.

Trustee Dodd noted that they product 3,200 square feet of coverage.

Mr. Lam said on a 7,500 square foot lot, 2,250 is a third of that.

Mr. Braiman said our lot sizes are narrow so working around existing trees can be more difficult here than in nearby communities such as Lake Forest where lots are wider.

Mr. Braiman said tree protection is required for land disturbing activities. He said like for

like replacements of a driveway, sidewalk, deck or patio, etc., do not trigger this requirement on private property; however, tree protection in the parkway is mandatory. He said tree protection means protective fencing around the root zone or drip line. He said the narrow widths of the lots here in Wilmette prohibit this at times and in those cases, we do the best we can.

Trustee Barrow asked if this applied to additions of any size.

Mr. Braiman said yes, these are different triggers than the canopy coverage requirement. He said if you are counting a neighbor's tree in your canopy coverage, that tree must be protected while your project is being constructed.

Trustee Barrow asked how we follow-up on these protection requirements.

Mr. Braiman said the foresters are directly involved during the demolition process. He said there is a place for the foresters to sign off to show the tree protection measures are in place; however, there is no protocol in place to circle back to ensure those measures remain in compliance through the course of construction. He went on to say in forestry, we went from 3.5 positions to 2 so staffing is limited. He said we have 18,000 parkway trees and get many calls from residents about inquiries related to trees on private property. He said we do not have the capacity to follow through on more proactive inspections which could make a difference long term in identifying the dying trees being permitted for removal and the correlation to construction.

He then said we are converting a part-time code enforcement officer into a full-time position in 2022 with the intent on enforcing the leaf blower violations and to address tree protection. He said this will allow for the proactive tree inspections. He said this will happen after these meetings and tree preservation ordinance changes are implemented. He said we are waiting to see the outcome of the tree preservation review to determine if we need a third forester. He said the expertise required will be determined by the findings of the Committee. He said we will certainly identify what triggers the need for a forester and what can be done with our existing improvement plan.

Trustee Dodd asked if staff felt contractors are just not aware of what needs to be done for tree protection during construction.

Mr. Braiman said the requirements are known and understood. He said he thinks the width of the lots is a challenge and roping off to the drip line is sometimes not feasible. He said heavy equipment and the compaction of soil makes it difficult to protect the trees.

Chairman Barrow said contractors are eager to complete one job to get to the next. He said if no one is following up to ensure protection is in effect, the contractors may not comply.

Mr. Braiman agreed and said it is our responsibility to ensure our ordinances are being followed. He said it is also the responsibility of the property owner and contractor to know what is required as well.

Trustee Dodd concurred.

Trustee Kennedy asked if you get a complaint from a neighbor, is a tree inspection done.

Mr. Braiman said yes, we just do not have proactive measures in place.

He then talked about neighbor notification. He said if you are adjacent to a construction site and have a tree within 15' of the lot line, the neighbor is required to give notice of pending construction activities to give sufficient time to make sure the trees are protected as best they can. He said this can be done via their own arborist or in conjunction with their neighbor's contractors. He said it is similar to the process for a grading permit. He said Highland Park has a neighbor notification process when you remove a heritage tree of a certain size, which then goes through the ZBA process and allows the neighbor to come and have dialogue with the Zoning Board.

Chairman Barrow said these requirements being discussed are only during the construction process and not for the sole removal of a tree.

Mr. Braiman concurred and said it is only about the neighbor's tree. He said if the neighbor has no trees, there is no notification. He said we have heard from some neighbors about significant removals and their surprise at the lack of notice.

Trustee Dodd said if you are removing any tree over 10", you need a permit.

Mr. Braiman said there is no neighbor notification if you are only removing a tree that is 10" or more in diameter at breast height which is 4.5' above the ground. He said those permits do not require neighbor notifications. He said in the review of other communities, none required neighbor notification for every permitted tree removal.

He then said they looked at 6 communities in the area that have similar ordinances and tree canopies with local developers generally working in all of them. He said information received from the contractors is valuable in shaping our policies, as you want to protect the trees without inhibiting development. He said for the last 4 years, we have had 25-30 demolitions and new constructions a year. He said we were in the 50s or more prior to the recession.

He said of the comparable communities, most have similar ordinances. He said they are complex. He said on average if a tree larger than 9" in diameter is removed, they are required to plant a new tree or pay a fee that goes into a tree fund.

Trustee Barrow asked if the fee is based on canopy.

Mr. Braiman said no, we are the only community that bases our policy on canopy. He said these other communities have what's called inch-for-inch meaning if you remove a certain number of inches, you need to replace those. He said the average is 9" to trigger the replacement policy; Glenview was on the high end at 16" and another community was on the low end of 6". He said in Winnetka and Northbrook, if you remove a tree that is otherwise healthy, you will pay \$250 per inch of removal. He said a 10" tree would result in a \$2,500 fee or having to plant a certain number of trees on your property or off site,



depending on the ordinance.

Chairman Barrow said you would need to plant the same number of inches of tree to match what you are removing

Mr. Braiman concurred. He said the ordinances are all different and those details can be worked out in detail in further discussions. He said if you removed a 12" tree, you might need to plant four 3" trees.

Trustee Dodd said the inch-to-inch policy is indicative of what you remove in total not what size the tree you plant to replace will be in the future.

Mr. Braiman answered affirmatively.

Mr. Sorby said the homeowner could also pay a fee in lieu of planting the trees.

Mr. Braiman agreed and said the fee usually goes into a tree fund in most communities where the funds are utilized for tree maintenance and pruning, etc.

Trustee Dodd asked if residents can apply to have a tree planted on their property utilizing the tree fund proceeds.

Mr. Braiman said that would depend on what the ordinance states. He said in Northbrook they gave away trees for free to residents and his guess is that they used the tree fund to purchase them.

Chairman Barrow said that is an interesting concept.

Trustee Dodd said she knows first-hand how expensive tree removal is and the cost to replant a new tree is an additional expense on top of that so if there is the availability of funding for the replanting, that would be helpful. She said some of the trees that are dead and dying are large.

Mr. Braiman said absent of a tree fund, tree replacements could be an allocation in the drawdown of reserves.

Chairman Barrow said there is a certain symmetry to having a tree fund and utilizing the proceeds to plant new trees. He then said you can make payments in lieu of planting, which is different than deposits into a tree fund.

Mr. Braiman concurred and said in certain communities, if you are not making the payment in lieu, you will need to pay a deposit of several thousand dollars that is held until the project is complete and the trees are planted. He said some of those deposits can be held for years before being refunded. He said we have experience with deposits for right-of-way projects and they are difficult to administer. He said feedback from some of our neighbors who accept deposits for tree removal is that they spend a significant amount of time on managing the deposit program. He said holding deposits then requires the assistance of the Finance Department. He said it also slows down the payment of permit

fees.

Chairman Barrow asked if this was to ensure compliance.

Mr. Braiman concurred but said if we have the proper staff to monitor the program, deposits are not necessary so long as there are enforcement mechanisms in the ordinance.

Chairman Barrow said you pay one way or the other.

Mr. Braiman concurred.

Trustee Kennedy asked if this was truly more complex than a curb cut deposit.

Mr. Braiman said holding deposits is not as simple as it appears. He said when he first started here in 2008, one of his jobs was to clean up the deposits for different programs and it was very difficult, as sometimes residents or homeowners don't come back to get their deposits, there is staff turnover, etc. He said we just went through it now when we received a FOIA for deposits on unclaimed property. He said our list is not huge but is a struggle. He said we want to protect our trees in the most efficient and easiest way to administer for staff and the applicants. He said some ordinances are so complex, including ours. He said simplicity is a huge benefit in whatever we do going forward.

Chairman Barrow said he would like to research positive incentives to encourage compliance. He said getting money back is a positive.

Mr. Braiman said they have already been brainstorming those things. He said tree protection is multi-faceted and complex. He said we could explore zoning and tree planning incentives as well as storm water incentives, etc. He said these ordinances do not apply to replacement requirements if your tree is dead, dying or diseased because it is subject to interpretation.

Trustee Kennedy asked if any communities offer incentives for the removal of things like buckthorn.

Mr. Braiman said yes, some have a list of species that have incentives. He also said there are incentives for planting heritage trees. He said in Northbrook you cannot remove a heritage tree without going before the Village Board. He said feedback has been that they have always allowed the removal, but it does open the dialogue to discuss options to save the tree. He said Winnetka denies removals from time to time. He said when there is a denial, there is an appeal process. He said all communities handle things a little differently. He said here we have the bonus multiplier for oaks, hickories and elms. He said we identify our valuable species differently in our ordinance.

Mr. Braiman then said this is a very large, difficult and complex subject and tonight is merely to set the table and be educational. He said questions would be addressed as we go along. He said next meeting will be discussion of the nuts and bolts of our policy and the improvements. He said once those decisions are made, we can dive into specifics of what we want the ordinance to be. He said we want to clearly communicate we are having these

discussions to get feedback from the community. He said staff wants to be better informed on what the community needs are.

Chairman Barrow said we will work through this complicated subject. He then called for public comment on this topic.

Linda Kurtz, 117 16<sup>th</sup> Street, a board member of Go Green Wilmette thanked the Committee for their work on this topic. She said Go Green Wilmette is at their disposal to assist in these efforts. She said they have a number of tree experts on their board and in their extended network.

Chairman Barrow thanked Ms. Kurtz for the valuable input and assistance to get Wilmette where they are today in their tree preservation efforts.

Trustee Kennedy said we passed the Sustainability Plan and included in that is the suggestion to model the tree ordinance after the Chicago Region Tree Initiatives Gold Standard. She said she would like more information on what that entails.

Mr. Braiman said they would gather information on that for the next meeting.

Trustee Kennedy said that would be helpful since we would want to model our ordinance in line with the Gold Standard. She also mentioned we have an issue with buckthorn on the North Shore. She said if we can develop a program as part of this to encourage residents to remove them, she would love to see this.

There was no further discussion on this topic.

#### **IV. New Business**

There was no new business.

#### **V. Public Comment**

There was no public comment.

#### **VI. Adjournment**

Trustee Kennedy moved to adjourn the meeting. Trustee Dodd seconded the motion. All voted aye. **The motion carried unanimously.** The meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Karen L. Norwood  
Deputy Village Clerk



**Meeting Date:** November 16, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager  
Lisa Roberts, Assistant Director of Community Development  
Guy Lam, Deputy Director of Public Works

**Subject:** Tree Preservation- LUC Meeting #2

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On October 21, 2021 the Land Use Committee (LUC) met to begin its review of the Village's tree preservation policies. At the meeting, the Committee outlined an intended process/timeline (see below) and reviewed historical tree removal data in Wilmette, the Village's existing preservation policies, and a summary of preservation policies in nearby communities. The Committee's intended process, subject to change, is as follows:

**Meeting #1 – October 21, 2021**

- Review available Wilmette-specific tree data
- Review current Village policy and how the policy is implemented
- Review for reference purposes the policies in nearby communities
- Solicit public feedback (at all meetings)

At this meeting, the LUC asked a number of questions, answers to which can be found in Attachment #2.

**Meeting #2 – November 16, 2021**

- ***Determine the LUC's preferred policy approach***
  - ***Maintain the Village's existing tree canopy coverage concept or consider an alternative approach***

**Meeting #3 – December 2021 (date to be determined)**

- Review specifics of the preferred policy concept to provide direction to staff of what should be included in a proposed tree preservation ordinance
- Village Forester discussion on tree protection measures- *added since the October 21 LUC meeting*

**Meeting #4 – January 25, 2021 at 1:00pm**

- Review draft ordinance and recommend adoption to Village Board

***The ultimate question for the Committee to consider at the November 16, 2021 meeting is:***

- Will improvements to the Village's existing tree canopy coverage regulations effectively protect the Village's tree canopy?

If the LUC determines that the suggested improvements in this memorandum are not sufficient to continue with the canopy coverage concept, the LUC's subsequent meeting will review policy alternatives which may include:

- Standard 'inch-for-inch' policy found in many nearby communities
  - Staff contacted the communities to gather feedback on their tree preservation ordinances to help inform the Village's understanding of the potential impacts of new regulations. The feedback can be found in Attachment #3.
  - This type of approach would require a full-time Village Forester whereas the improvements to the existing policy which are discussed below may or may not (net \$90,000 budget impact)
  - Components of the inch-for-inch policy that the LUC would consider at its next meeting include:
    - Size of tree triggering replacement requirements
    - Replacement planting/fee requirements
    - Whether to prohibit removals in certain circumstances such as:
      - Desirable species or sizes ('Heritage Tree' concept)
      - Location (example: trees in the required yards)
- An alternative to the standard 'inch-for-inch' policy could be to require replacement trees that at maturity would provide the same amount of DBH that was removed (this is similar to the existing canopy coverage concept but removes some of the complexity involved and may increase the number of new trees planted)
- The Village of Montgomery approach which requires new tree plantings based on the size of the tree removed:

Size of Tree Removed	Number of Replacement Trees
6 – 12"	2
13 – 29"	4
30"+	6

**Background**

At the LUC's October 21 meeting, Village staff presented a summary of the tree preservation ordinances in the following communities:

- Glenview
- Kenilworth (*added since Oct 21*)
- Lake Forest
- Winnetka
- Highland Park
- Northbrook
- Lincolnshire

In general, the tree preservation policies in these communities are similar to one another with replacement trees, or fees in lieu of replacement trees, required for the removal of certain private property trees. All communities allow for the removal of trees that are dead/dying/diseased/hazardous without requiring any replacement trees or fees in lieu of replacement. Some ordinances allow the municipality to prohibit the removal of private property trees in certain circumstances, albeit such denials are rare (typically pertaining to the requested removal of large, healthy, desirable trees) and always include an appeal process which goes through a commission, zoning board and/or elected governing body.

A summary of each community's policy can be found in Attachment 3 and a general comparison to the Village's regulations can be found in the table below.

	<b>Neighboring Communities</b>	<b>Wilmette</b>
<b>Ordinance applicability</b>	All healthy, non-hazardous tree removals over a certain size (average is 9" DBH)	During demolition, new construction, certain large additions
<b>Replacement requirements</b>	Plant new trees or pay a fee in lieu for every inch of tree removed	May be required to plant a new tree(s) if 35% canopy coverage is not met
<b>Example: Removing three 20" DBH trees</b>	Example: In Winnetka, 20 new trees planted or a payment of \$15,000 to Municipal Tree Fund	Example: Potentially requires one new tree at an approximate cost of \$400
<b>Protections for desirable species</b>	<ul style="list-style-type: none"> <li>-Replacement requirements are doubled (Lake Forest)</li> <li>-Prohibit removal of certain trees (Northbrook/Winnetka/Highland Park)</li> <li>-Prohibit removals in certain locations/circumstances (Lincolnshire)</li> </ul>	Designed to incentivize the preservation of large Oak, Hickory and Elm species by applying a 1.5x bonus multiplier to the canopy calculation

## **Discussion**

The ultimate goals of a tree preservation policy are to minimize the number of unnecessary removals and when trees are removed, to ensure sufficient replacement trees are planted to maintain and/or grow the community's tree canopy over time. Ideally, the development of a policy to accomplish these goals should result in an ordinance which is simple and easy to understand, enforceable, and reasonable for the property owner. It should also focus on reforestation and not revenue generation.

To determine whether the current Village policy meets these goals, the questions are:

- Does the canopy coverage requirement limit the unnecessary removal of trees?
- Are the replacement requirements sufficient to at least maintain the Village's tree canopy over time?
- Is the policy simple and easy to understand, is it enforceable and is it considered reasonable by users?

Question	Answer	Explanation
Are unnecessary removals minimized?	No	This question is difficult to answer but compared to other preservation policies, there are no mechanisms to disincentivize, to limit, or prevent certain removals and the policy is only applicable during development
Are tree replacements sufficient?	No	For 2019, of the 26 projects reviewed for canopy coverage, 43 more trees were removed than planted with a net a loss of 1,264" DBH; further, due to construction impacts newly planted trees struggle to reach maturity *Additional detail is below this table and details can be found in Attachment #1.
Is the policy simple and easy to understand?	No	The policy is complex due to the calculations required to determine existing coverage and projections on how new trees will mature
Is the policy enforceable?	No	While the Village Staff is able to adequately enforce the policy, the failure to account for the condition of trees that apply toward the 35% coverage minimum as well as the ability to remove those trees at any time limits the effectiveness of the enforcement
Is the policy considered reasonable?	Yes	Stakeholder sessions with users indicated the policy was considered reasonable

The Village has data for 26 residential construction projects in 2019 which triggered the canopy requirements:

- 64 trees 10" or greater in DBH were removed, totaling 1,306" DBH
- 21 new trees were planted, totaling 42" DBH
- 14 of the 26 projects did not have to plant new trees because the property met the 35% canopy threshold
  - 12 of the 14 projects were able to remove trees and still meet the 35% canopy threshold without having to plant new trees

Based on the above analysis and data, modifications to the canopy coverage ordinance would be appropriate. The following section will identify potential improvements which would better align the policy with the goals of long-term tree canopy preservation. The following are not assumed to be the only areas of potential improvements. Additional

suggestions may come to light based upon public feedback and the Committee's discussions on November 16.

### Improvements for Consideration

1. Streamline the Village Code so all tree preservation/protection regulations are consolidated making them easier to find and understand
2. Canopy coverage considerations:
  - a. Eliminate the ability to count trees on adjacent property and the public right-of-way toward the minimum threshold
  - b. Take into account the condition of trees which are applied to the minimum threshold
    - i. For example, trees which are in a certain state of decline should not necessarily count toward meeting the canopy requirements
  - c. Consider whether the existing 35% canopy threshold is sufficient:
    - i. Should the minimum threshold of 35% be increased?
    - ii. Should two trees be planted for every new tree planting to improve survivability odds?
    - iii. Alternatively, instead of establishing a minimum canopy coverage threshold, should the amount of canopy removed have to be replaced?
      1. For example, if 50% of the canopy is removed, new trees must be planted such that at maturity 50% of the lot is covered in canopy
3. Depending on the ultimate policy outcome, improving the accuracy of tree canopy applications by requiring a tree survey completed by a certified arborist may be important; with this requirement staff believes that the above recommendations could be implemented without hiring a new full-time Village Forester

### Ordinance Complexity

Ultimately, any type of canopy coverage approach will be more complex to understand and administer than the typical 'inch-for-inch' approach found in most regional preservation ordinances. However, complex policy is not always bad policy so long as it can be implemented correctly and accomplishes the intended goals.

### Removals Outside of Development

The existing canopy coverage policy is applied during demolition, new construction and certain additions when a tree 10" or greater DBH is removed.

If the Committee determines it appropriate to protect trees outside of development (this is the Chicago Region Tree Initiative's Gold Standard which is recommended for consideration by the Village's recently adopted Sustainability Plan), the canopy concepts could be extended to apply to all tree removals.

Alternatively, the Village could also maintain the canopy concept, with improvements, for development and implement an entirely different policy for non-development related tree



removals. For example, the Committee could consider stronger protections for desirable trees (such as trees over a certain size); such protections could take the form of not permitting removals in the required yards or implementing more significant replacement requirements when desirable trees are removed.

#### Budget Impact

Expanding protections to all tree removals would, based on existing staff resources and feedback from nearby communities, necessitate the addition of a full-time Village Forester. This is necessary as every tree removal would require an inspection to determine whether replacements are required (replacements would typically be waived for trees that are dead, dying or hazardous).

The estimated cost of a new Forester is \$120,000 (salary and benefits). This would have a net impact on the 2022 budget of \$90,000 as the newly created full-time code enforcement position would instead remain as part-time. In this scenario, the new Forester would also be responsible for proactively enforcing tree protection standards during construction.

#### **Documents Attached**

1. 2019 tree canopy coverage analysis
2. Questions and answers from the October 21, 2021 LUC meeting
3. Summary of comparable community tree policies and feedback
4. Village Sustainability Plan- Tree Section
5. CRTI gold standard ordinance template
6. Emails from residents

# Attachment 1- 2019 Tree Canopy Coverage Data

## 2019 Tree Canopy Projects\*

Address/ Tree Canopy Coverage at Application	Number of Trees Planted	Number of Trees Removed (10"+ DBH)	Total Size Planted (DBH - Inches)	Total Size Removed (DBH - Inches)	Species Planted	Species Removed
922 YALE ST/30.82%	1	2	3	42	Honeylocust	Siberian Elm, Norway Maple
718 FOREST AVE/N/A	5	--	--	--		
1627 FOREST AVE/29.8%	1	3	3	36	Honeylocust	Catalpa, Freeman Maple, Crabapple
1506 FOREST AVE/35%	0	1	0	17		Norway Maple
1130 ASHLAND AVE/21.2%	1	3	3	65	Honeylocust	Red Oak, Arborvitae
1030 ILLINOIS RD/36.8%	0	1	0	23		Swamp White Oak
106 16TH ST/15.91%	2	0	6	0	Hedge Maple	
1127 CHESTNUT AVE/82.5%	0	1	0	30		Bur Oak
1212 ELMWOOD AVE/ N/A	0	9	0	109		Colorado Spruce, Black Walnut (x4), Magnolia, Buckeye, Hackberry
1229 CHESTNUT AVE/24.7%	2	1	4	23	Callery Pear, Eastern Redbud	Honeylocust
124 PARK AVE/48.1%	0	0	0	0		
1422 GREGORY AVE/68.1%	0	1	0	11		White Oak
1514 WASHINGTON AVE/32%	1	2	2.5	86	Swamp White Oak	Silver Maple, Swamp White Oak
1516 ISABELLA ST/0%	2	5	6	94	Honeylocust	Box Elder (x2), Norway Spruce, Colorado Spruce, White Pine
1538 WALNUT AVE/25.4%	1	0	2	0	Callery Pear	
1621 HIGHLAND AVE/0%	1	0	2.5	0	Thornless Honeylocust	
1932 BIRCHWOOD AVE/71.8%	0	2	0	24		Mulberry
321 4TH ST/61.3%	0	3	0	85		N/A
413 CENTRAL AVE/N/A	0	9	0	196		Birch, Locust, Oak (x3), Norway Maple, Multi- Stem River Birch, Pine, Spruce
430 MAPLE AVE/11.23%	2	1	6	13	Honeylocust	Crabapple
503 PARK AVE/63%	0	0	0	0		
515 PINECREST LN/36.42%	0	1	0	29		Pin Oak
606 WASHINGTON AVE/63%	0	3	0	89		Silver maple, White Oak, Red Oak
730 ROMONA RD/85%	0	12	0	221		Boxelder, Tree of Heaven, White pine, Red Oak, American Elm, Basswood, Bur Oak
811 15TH ST/16.8%	2	0	4	0	Hills Oak, River Birch	
909 GREENWOOD AVE/67.1%	0	4	0	113		White Oak, Red Oak
<b>TOTAL</b>	<b>21</b>	<b>64</b>	<b>42</b>	<b>1306</b>		

## SUMMARY

Number Planted vs. Number Removed -43  
Total Size Planted vs. Total Size Removed (10"+ DBH) -1264

Tree Planted  
Planting was NOT Needed (35% Tree Canopy Coverage Already Met)

\*Projects for which data was readily available

## **Attachment #2 – Questions and Answers from the October 21, 2021 LUC Meeting**

### Chicago Tree Region Initiatives (CTRI) Gold Standard

How does the Village's ordinance compare to this standard which is recommended for consideration by the Village's Sustainability Plan?

*The Village currently attains CRTI's Silver Standard by regulating trees on public property. The existing canopy coverage requirements do not qualify for Gold because it is considered a development rather than preservation ordinance (the canopy requirements are only triggered for development and not for tree removals unrelated to development).*

### Analysis of 2019 tree removals

Of the 294 trees removed in 2019 due to dead/dying/diseased conditions, how many were potentially related to previous construction?

*Village Staff cross referenced trees removals in 2019 which were dead, dying or diseased with new construction or large addition projects completed since 2010.*

*This research found 48 trees removed which could have been related to previous construction activity.*

*The average size of the trees removed was 22" DBH and the most commonly removed trees were: Pine (7), Maple (5), Silver Maple (5), Spruce (4). There were two Oaks removed (46" and 29" DBH).*

### What incentives can be considered for tree plantings/preservation?

The Committee may wish to consider incentives which would encourage new tree plantings or the preservation of existing trees during construction. Examples of incentives include:

- *Stormwater – Due to the stormwater-related benefits of trees, a number of incentives can be funded through the Village's stormwater utility fee program:*
  - *A reduction in the annual stormwater utility fee for new tree plantings*
  - *A grant program through the stormwater utility fee program for new tree plantings and to support good forestry practices such as removal of invasive species*
- *Zoning – Some of the Village's zoning requirements (two-car garages in the rear yard, 15-foot setback on corner lots) may inadvertently lead to tree removals; streamlining the variation process when preserving desirable trees may be a way to encourage tree preservation*
- *Planting Credit – A credit for new tree plantings could be applied to future removals (Lincolnshire model)*

### Applicability to other governmental units

How do current policy provisions apply to other units of government in Wilmette? How can future regulations apply?

*Tree protection requirements apply to all properties in Wilmette, including other units of government.*

*The current tree canopy coverage ordinance is not applied to other local governing bodies. It is possible that the Village, should it desire to do so, will have some authority to enforce its tree preservation ordinances over other local governmental entities, as long as that enforcement does attempt to regulate or frustrate the statutory purpose of that government body. As such, enforcement will need to be made on a case-by-case basis and should be done so in conjunction with the other governing body. An example would be enforcement of an ordinance restricting the removal of trees in a park owned by the Park District, when the Park District has determined that the tree removal would enhance their park or the services provided by the park (e.g., installation of park equipment, new soccer/baseball fields), would be subject to a challenge and possibly determined that the Village's authority is limited in that specific case.*

*As this is a complicated area of the law, with decades of court opinions, that have differing applications to different governmental entities, a further and extensive analysis will need to be performed. Should the Land Use Committee desire to recommend imposition of any new tree preservation regulation upon the other political subdivisions of the state located in Wilmette, a legal analysis of such policy will be provided by the Village's Corporation Counsel.*

#### Define how tree canopy coverage is calculated

*Under Village Code, Section 8-210 Site Grading and Drainage Plan it defines canopy coverage as delimited by the drip line of the tree. The applicant will inventory the trees and assign an appropriate radius based on findings in the field. This assessment may or may not be performed by a certified arborist. The selected radius is then used to calculate area of circle or portion thereof overhanging the parcel. Tree canopy coverage calculations are denoted on an exhibit. Tree diameter (dbh) and/or critical root zone (CRZ) does not have correlation with the radius. The Village's consulting engineer will spot check calculated canopy coverage as part of the permit review process. There is a multiplier (1.5X) for tree canopy coverage, applicable to the following tree species and minimum diameters (dbh).*

<i>Species (all cultivars)</i>	<i>Minimum Size (in DBH)</i>
<i>Oak</i>	<i>24 inches</i>
<i>Hickory</i>	<i>16 inches</i>
<i>American Elm</i>	<i>30 inches</i>

*As part of tree canopy assessment, applicants may, but are not required to, denote condition of trees and make a recommendation to remove or protect. If tree(s) are identified as dead or clearly in a state of decline, the Village's consulting engineer will exclude these trees from the canopy coverage calculation. Additionally, in certain limited circumstances, Village Foresters will have information available to request exclusion from canopy coverage for those trees observed to be dead, dying or diseased.*

How often do we issue fines for removal of private trees without a permit?

*For the period of 2017 through October 2021, three tree removal permits were charged a permit surcharge for work without a permit. The permit surcharge is 50% of the permit fee or \$153.00, whichever is greater, so these three permits were surcharged \$153.00 each.*

### **Attachment 3- Summary of Comparable Community Policies and Feedback**

#### Glenview

Requires replacement, or a fee in lieu of replacement, for any “landmark tree” removed on private property. Glenview classifies trees based on quality/desirability with the number of replacement trees or fee scaled accordingly. For more desirable species, such as Oaks and Hickory, any tree which is 16” or more in diameter triggers the replacement requirements while less desirable species such as Cottonwoods or Silver Maples trigger the requirements at 20” or greater. Replacement is not required if a property is able to maintain at least 16 inches DBH for every 1,000 square feet of land area in the combined area of the required front yard and buildable area of the lot and that at least 16 inches of DBH of remaining trees is located in the required front yard of the property.

Staff time required to manage: 1 full-time equivalent

#### Highland Park

Requires a permit and replacement for the removal of any tree greater than 8” in diameter. The replacement value increases based on the size and species of tree. For trees designated as ‘Heritage Trees’ which include Oaks greater than 30” DBH, Elms greater than 40” DBH, Hickory greater than 20” DBH, and Walnut greater than 30” DBH, zoning approval, including notice to neighbors, is required and removal of the tree can be denied.

#### Kenilworth

Requires replacement trees or a fee in lieu of replacement for the removal of any tree greater than 8” DBH which is located in a required yard of the lot. Trees 18” or greater in diameter are considered ‘Heritage Trees’ and replacement requirements are doubled; the replacement requirements for ‘Heritage Trees’ apply to any tree on the lot.

#### Lake Forest

Requires a permit and replacement on an inch per inch basis for the removal of any tree greater than 10” in the front yard and 18” in the rear yard. Trees removed which are greater than 25” in DBH require double inch for inch replacement. Replacement trees are not required if the tree remaining on private property would deny the applicant all reasonable and economically viable uses of the property.

Staff time required to manage: 1 full-time equivalent

#### Lincolnshire

Requires a permit and replacement for the removal of any tree greater than 6” in DBH. Replacement is on an inch-per-inch DBH basis, as adjusted for equivalent value (the tree value is based on the characteristics of the tree). Prohibits the removal of ‘Heritage Trees’ for the purpose of installing or erecting an unattached amenity and no trees shall be removed if the new unattached amenity exceeds 10% of the rear yard. Unique to Lincolnshire is an incentive program which provides for a tree planting credit when a property owner proactively plants new trees which can be used to off-set future replacement requirements.

### Northbrook

Requires a permit and replacement for the removal of any tree greater than 12" in diameter breast height. For heavily wooded lot, trees that are not classified as 'Landmark' or 'Heritage' can be removed without replacement so long as 12 diameter inches of tree remain per 1,000 square feet of land area in all required yards. The removal of healthy 'Heritage Trees' is prohibited unless approved by the Village Board.

Staff time required to manage: 1.25 full-time equivalents

### Winnetka

Requires a permit and replacement of any tree greater than 8" in DBH. Village staff may deny a tree removal permit if the applicant does not demonstrate that the removal is necessary to avoid or alleviate a practical difficulty or particular hardship on the property. Property owners may appeal the denial of a tree removal permit to the Winnetka Environment and Forestry Commission; if the permit denial is affirmed, the applicant can appeal to the Village Board.

Staff time required to manage: 0.40 full-time equivalents (800 hours)

### Cost of Replacement

Each of the above communities, except Lake Forest, provides an option to pay a fee in lieu of planting replacement trees on the subject property. The table below demonstrates the fees paid in each municipality based on a minimum range 6-16" diameter tree removed:

<b>Community</b>	<b>Minimum Tree Diameter (DBH)</b>	<b>Replacement Fee / Deposit Fee</b>	<b>Tree Removal Permit Fee</b>
Winnetka	8"	\$250 per inch DBH	None
Glenview	16" – 20"	\$350 per tree planted	None
Northbrook	6"	Up to \$250 per inch DBH	None
Lincolnshire	6"	\$2,000 to \$3,000	None
Lake Forest	10"	None; tree planting required	\$40
Highland Park	8"	Construction- Up to \$2,400 Non-Construction- Up to \$200 for every 10 inches of DBH	None
Kenilworth	8"	8" – 17": \$200 per DBH 18"+: \$400 per DBH	\$100 - \$700

Communities were asked which areas of their tree programs were the most challenging and they offered the following responses:

- Mitigating neighbor disputes
- Recurring inspections at construction sites
- Processing tree removal permits in a timely manner
- Managing varying stakeholder opinions related to health and value of trees
- Closing out tree deposits and verifying replacement plantings takes considerable staff time

The following points are recommendations from these communities:

- Require tree removal permits (including dead, dying, and diseased trees)
- Establish a minimum tree diameter size for tree removal permits
- Establish clear requirements for tree removal permits
- Provide clear requirements for tree replacements (provide specifics such as shade tree for shade tree)
- Include a well-defined appeals process
- Initiate tree preservation at the plan review level
- Provide detailed, strict requirements for tree protection/tree preservation
- Protect neighboring trees impacted by construction
- Establish fine schedule for tree damage (fines ranged from \$250 first occurrence, up to \$1,000).



## **Attachment 4- Village Sustainability Plan**

### **Section 4.4.1 Manage Public and Private Landscapes to Optimize Ecosystem Services and Support Biodiversity**

*Strengthen the existing Village tree ordinance.*

1. Consider modeling the Village's tree ordinance after the Chicago Region Trees Initiative (CRTI) Gold standard (<http://chicagorti.org/OrdinanceTemplates>).
  - a. To ensure the following:
    - i. The region's tree population is broadly understood and valued.
    - ii. Collaborative management opportunities are identified and enacted.
    - iii. Measurable improvements toward the health and vigor of the region's trees are identified and established.
    - iv. Public awareness and support is developed to maintain our urban forest and enhance its health for the future.
2. Create a tree ordinance page on the website so residents can easily access it.
3. Provide education to residents about protecting trees generally and especially during construction.
4. Consider strengthening the Village's tree protection ordinance, possibly mirror the ordinance off of surrounding communities' ordinances.
5. Consider adding a part-time tree inspector position to help monitor active construction sites and enforce the Village Code when necessary.
6. Consider revising the Village's tree protection ordinance to require the canopy coverage worksheet to be completed by a Certified Arborist.

# Attachment 5- CRTI Gold Standard Template

## GOLD LEVEL ORDINANCE TEMPLATE

### REVIEWER INTRODUCTION TO THE GOLD LEVEL TREE PRESERVATION ORDINANCE



The Chicago Region Trees Initiative, Trees and Green Infrastructure Work Group has developed three tree preservation ordinance templates for your consideration. It should be noted that these ordinances in no way reflect tree preservation or planting requirements that would be included in a “landscape or development” ordinance. They are for tree preservation within the built environment. Following is a description of each tree preservation ordinance level.

#### Bronze –

1. The Bronze Level Tree Preservation Ordinance is the foundation upon which the other tree preservation ordinances are based.
2. This basic ordinance assumes the community does not have an urban forest management plan.
3. The Bronze Level Tree Preservation Ordinance regulates trees on public property only - with the exception of potential risk trees.
4. This ordinance sets goals for the community to help it move to the Silver Level Tree Preservation Ordinance.

#### Silver –

1. The Silver Level Tree Preservation Ordinance is based on a community urban forest management plan.
2. The Silver Tree Preservation Ordinance regulates trees on public property only – with the exception of potential risk trees.
3. The objective is to have the urban forest management plan provide the structure for the community forestry program.
4. The management plan can be updated and amended more easily than an ordinance so changes can be made as needed.
5. The Silver Level Tree Preservation Ordinance will reference back to the urban forest management plan as the foundation for the community urban forestry program.

#### Gold –

1. The Gold Level Tree Preservation Ordinance is based on a community urban forest management plan.
2. This ordinance level regulates trees on public and private property. Approximately 70% of the trees within a community are located on private property.
3. This ordinance preserves, protects and enhances the urban forest infrastructure as a whole.

## GOLD LEVEL ORDINANCE TEMPLATE

### CHAPTER 1

#### TREE PRESERVATION

**Commented [L1]:** Urban forestry regulations should also be covered in other sections of the code, e.g., Landscaping and Development.

#### SECTION 1

- 1.1 STATEMENT OF PURPOSE
- 1.2 DEFINITION
- 1.3 PRESERVATION
- 1.4 PLANTING
- 1.5 URBAN FOREST MANAGEMENT PLAN
- 1.6 TREE PROTECTION
- 1.7 LEGACY TREE PROTECTION
- 1.8 TREE REMOVAL
- 1.9 TREE REPLACEMENT
- 1.10 SPECIAL RULES FOR CONSERVANCY OR PRESERVATION AREAS
- 1.11 TREE PRESERVATION AND/OR REMOVAL PLAN FOR SIGNIFICANT REMOVALS
- 1.12 POTENTIAL RISK TREES
- 1.13 INVASIVE SPECIES CONTROL
- 1.14 TREE PLANTING CREDITS
- 1.15 TREE BOARD
- 1.16 TREE PERMIT PROCEDURE
- 1.17 PERMIT ISSUANCE
- 1.18 CASH BONDS
- 1.19 FINAL INSPECTION
- 1.20 COMPLIANCE
- 1.21 PENALTY
- 1.22 EXCEPTION
- 1.23 APPEALS FOR VARIANCE
- 1.24 CIVIL REMEDIES

##### 1.1 STATEMENT OF PURPOSE

This Section of the Code is structured to preserve, protect and enhance critical infrastructure – our urban forest. This Section will regulate trees as a collective resource for the Governmental Entity on public and private property.

The purpose of this Section is to recognize the services and function that trees provide as a collective asset to the entire community and to state the goals of the Governmental Entity with respect to the protection, preservation, care and planting of trees on public and private lands.

**Commented [L2]:** The term “governmental entity” is a place holder for your organization’s name. Replace throughout.

We recognize that trees:

- A. Protect, preserve and enhance the quality of life and general welfare of the Governmental Entity and its property owners, and conserve and enhance the Governmental Entity’s natural, physical and aesthetic environment.

## GOLD LEVEL ORDINANCE TEMPLATE

- B. Preserve and protect trees to ensure that trees are properly planted and maintained within the Governmental Entity so that trees can protect, enhance and preserve the quality of life for people within the Governmental Entity.
- C. Recognize that trees are an integral part of the infrastructure of the Governmental Entity and as such are preserved, protected and cared for as other critical Governmental Entity infrastructure. Trees provide the following services and benefits:
- a. Trees absorb pollution from the air;
  - b. Trees absorb and sequester carbon dioxide;
  - c. Trees absorb and filter pollution from stormwater run-off;
  - d. Trees produce oxygen;
  - e. Trees reduce flooding;
  - f. Trees stabilize soils and reduce erosion;
  - g. Trees cool the surrounding area helping to reduce impacts due to heat islands;
  - h. Trees reduce energy consumption by shielding structures from harsh winds and sun;
  - i. Trees provide a buffer and screen against noise, light and pollution;
  - j. Trees improve property values;
  - k. Trees improve commercial district traffic and purchasing;
  - l. Areas with trees have lower crime rates;
  - m. Areas with trees have higher levels of community interaction;
  - n. Trees provide important habitat for birds and other wildlife; and
  - o. Trees protect and enhance our quality of life.
- D. Trees provide collective Governmental Entity benefits not limited to property or community boundaries.
- E. Recognize the historic significance of legacy trees and preserve and protect them within the Governmental Entity.
- F. Eliminate nuisance trees that constitute a threat, danger or nuisance to the public or property in the Governmental Entity or that may be dangerous to the health of other trees and vegetation in the Governmental Entity as determined by the Governmental Entity.

**Commented [Is3]:** Example: Just as regulations exist that define permitted changes to property grade to protect stormwater run-off from impacting surrounding properties, so too there are regulations and permits required for changes or impacts to tree canopy or tree health to protect adjoining properties and the overall community.

## GOLD LEVEL ORDINANCE TEMPLATE

### 1.2 DEFINITIONS

#### 6" GROUPING OR STAND

of TREES Any grouping of two or more trees that have a combined diameter at breast height of 6" or greater. Every six inches of such a grouping shall be the equivalent of a 6" tree. For removal purposes, this grouping definition shall apply if two or more trees are removed within twelve months of each other.

APPLICANT An owner of a lot, parcel or tract of land for which an application has been filed for a permit, subdivision, or any activity requiring the issuance of a permit. A contractor is an agent, acting on behalf of the Applicant – the landowner.

ARBORIST Any individual experienced in the profession of forestry or a related field and is licensed or certified in forestry by an accredited forestry industry body, e.g. International Society of Arboriculture.

BUCKTHORN An undesirable exotic invasive ornamental shrub introduced to North America. This species inhabits woodlands and savannas where it dominates the landscape prohibiting the development of native trees and plants. There are six species of buckthorn listed in the Illinois Exotic Weed Act, which prohibits the sale, distribution or planting of this species, *Rhamnus cathartica*, *davurica*, *frangula*, *argula*, *utilis*, and *japonica*.

BUILDING ACTIVITY AREA The portion of a property within which development activity, including grading, excavation, storage of materials, construction access and construction of both main buildings and unattached structures.

CANOPY The upper portion of a tree sometimes called the crown. This section of the tree usually contains branches and leaves.

#### CONSERVANCY OR PRESERVATION AREA (EASEMENT)

An area under legal restriction within which the following requirements are enforced:

1. Any area within which all existing vegetation shall be preserved for the purpose of retaining the natural character or special environmental state or control.
2. Any area with a special designation providing screening from adjacent uses or a public or private street.
3. No plant material shall be removed from or planted in a Conservancy or Preservation Area without a permit from the Governmental Entity authorizing removal or planting.

## GOLD LEVEL ORDINANCE TEMPLATE

	<ol style="list-style-type: none"><li>4. Conservancy or Preservation Areas may be established as part of the subdivision process or through the issuance of a special use permit.</li><li>5. No undesignated structures, including fencing shall be located in a Conservancy or Preservation Area.</li><li>6. In all instances the approved language on the plat shall prevail.</li></ol>
CRITICAL ROOT ZONE	An area on the ground extending out from the trunk of the tree in all directions a distance of at least one foot for every inch DBH
CUTTING	<ol style="list-style-type: none"><li>1. Felling or removal of a tree, or any procedure that results in the death or substantial destruction of a tree.</li><li>2. Cutting does not include normal pruning or trimming of trees consistent with good forestry practices.</li></ol>
DAMAGE	Impact to any tree including but not limited to removal, root compaction, root removal, girdling, soil contamination, topping, pruning more than 20% of the trees, canopy removal, bark removal, poisoning and or/ actions resulting in the decline or death of a tree.
DECIDUOUS TREE	A deciduous tree is one that loses most or all of its leaves for part of the year.
DEVELOPMENT	Any proposed change in the use or character of land, including, but not limited to the replacement of any structure or site improvements, e.g. irrigation installation, driveway replacement, installation of a retaining wall among others. When appropriate to the context, development may refer to the receipt or necessity of any building, tree or site work permit. (See the Landscape Ordinance for more information.)
DIAMETER AT BREAST HEIGHT	The diameter of the trunk of the tree measured in inches at a point 4.5 feet above ground line. This point or measurement is used for established and mature trees and is referred to as "DBH". All reference to diameter size shall be to the DBH.
ENVIRONMENTAL PROFESSIONAL	A degreed environmental scientist, biologist, botanist, forester, other similarly degreed and/or licensed plant professional with at least five years' experience in planting and maintaining native plants and their associated natural ecosystems.
EVERGREEN TREE	A tree that retains most of its leaves for most of the year.
FOREST MANAGEMENT PLAN	A detailed plan developed by the Governmental Entity under the direction of a certified arborist or forester which protects this valuable infrastructure and

## GOLD LEVEL ORDINANCE TEMPLATE

	outlines thoughtful strategies for tree planting, selection, care and preservation for the Governmental Entity and complies with recognized national standards.
FORESTER	An individual trained and experienced in the profession of forestry who has a forestry degree from an institution of advanced education.
INFRASTRUCTURE	The basic underlying framework or features that provide collective services, including but not limited to roads, waterlines, stormsewers, bioswales, and trees.
LANDSCAPE CONTRACTOR	A company or individual contracted to perform landscape services.
LANDSCAPE PLAN	A plan approved by the Governmental Entity defining the location and species of plants and associated hardscape including grading.
LANDSCAPE MANAGEMENT PLAN	A plan approved by the Governmental Entity outlining the strategies for care and management of a specific type of landscape.
LANDSCAPE SEASON	The period of April - June and September - November each year.
LANDSCAPING PROFESSIONAL	A registered landscape architect, horticulturalist or other similarly degreed, experienced and/or licensed plant professional.
LEGACY TREE	Any tree on the Legacy Tree List. These trees are provided special protection from the Governmental Entity whether on public or private property.
NATURAL AMENITY EXCEPTION	A landscape and preservation plan intended as a substitute for the replacement requirements of this Section.
NUISANCE TREES	Nuisance trees are trees that may provide potential impacts to other trees, people or structures. This would include, but not be limited to, diseased, infested, structurally unsound trees or known invasive species.
PARCEL	A single parcel shall mean any lot of record, zoning lot or any grouping of adjacent lots under single ownership, serving a principal structure or use.
PREFERRED TREE LIST	A listing of tree species, located in the Governmental Entity Urban Forest Management Plan.
PROPERTY OWNER	An individual or organization who owns property located within the corporate limits of the Governmental Entity.

## GOLD LEVEL ORDINANCE TEMPLATE

REAR YARD	Rear yard as used in this Section, shall have the same meaning as ascribed to in the Zoning Code.
REGULATED ARTICLES	Any insects at any living stage of development, any quarantined materials such as wood products including, but not limited to chips, limbs, lumber, firewood, contaminated soils, or any other product or means of conveyance which may be determined by Federal or State departments of agriculture to pose a risk of spread of any infestation or infection.
SIGNIFICANT TREE REMOVAL	Removal of a Legacy Tree or grouping/stand of trees.
SIMPLE TREE REMOVAL	Removal of a tree without other associated site impacts or other site improvements.
SITE	That parcel of land for which a permit for landscaping or tree removal is sought.
STREET TREE	Any tree located on or within the public right-of-way or right-of-way easement.
TRANSPLANTING	The removal of any tree for replanting elsewhere.
TREE	Any self-supporting woody plant, together with its root system, trunk and canopy; growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.
TREE BANK	A bank account established to receive and hold deposits for trees which were damaged and/or removed. These funds, if not returned to the Applicant, may be used to purchase and care for trees throughout the Governmental Entity.
TREE PERMIT	A written authorization from the Governmental Entity authorizing the applicant to conduct work which may or may not impact a tree.
TREE PRESERVATION PLAN	A document, required by a permit, which identifies, by common name and/or scientific name, certain species of trees of a specified DBH within a particular area. The plan shall list, all existing and proposed trees and shall specifically state how each tree is proposed to be destroyed, relocated, replaced, preserved at its present location, introduced into the site from an off-site source, and whether the tree is to receive remediated actions due to construction impacts, e.g. root pruning. The Governmental Entity may provide that the tree preservation plan excludes those portions of the site which it determines will not be affected by the activity. Any tree preservation plan required by this Section must be dated within thirty-six months of the activity.
TREE REMOVAL	The cutting down, destruction, removal or relocation of any tree, including damaging by poison or other direct or indirect action.



## GOLD LEVEL ORDINANCE TEMPLATE

VIABLE                      A tree, which in the judgment of the Governmental Entity, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

### 1.3        PRESERVATION

- A. The Governmental Entity shall have on staff at least two certified arborists. Any urban forestry work completed by a contractor within the Governmental Entity shall be under the direction of a certified arborist. These individuals are responsible for enforcement and compliance of the Urban Forest Management Plan.
- B. The Governmental Entity shall have an urban forest inventory for all public trees and shall have a stratified sample inventory for the private trees. The Urban Forest Management Plan shall be based on this inventory.
- C. The Governmental Entity shall have an approved Urban Forest Management Plan. This plan shall be the framework for the protection, management, and planting of trees within the Governmental Entity and shall support and clearly define the regulations identified in the Tree Preservation Ordinance. This Plan shall include the following:
  - 1. A defined ten-year urban forestry strategy with clearly identified one, five, and ten year goals;
  - 2. Community canopy mapping identifying existing tree canopy and priority locations for planting;
  - 3. A strategy for completion and maintenance of a tree inventory on public and private property;
  - 4. Clear guidelines on tree species and age diversity;
  - 5. Clear identification of replacement value and requirements for tree removal or damage;
  - 6. A preferred tree list.
  - 7. Clearly defined specifications for tree planting, pruning, and impact reduction;
  - 8. A risk assessment and management program;
  - 9. A legacy tree preservation and protection program including a legacy tree list;
  - 10. A strategy for management, preservation and protection of naturalized areas;
  - 11. A strategy for administration and implementation of a volunteer program;
  - 12. Clear identification of staff qualifications, training, support and needs;
  - 13. Specifications for contracted labor and consulting;
  - 14. Clear identification of forestry equipment and resource needs; and
  - 15. A forestry budget with one, five and ten year commitments.
- D. The Governmental Entity shall require that any Contractor, working for the Governmental Entity who may interact or have impact on the Governmental Entity public property urban forest utilize a certified arborist for all work pertaining to trees, including but not limited to removal, pruning and planting activities. It is recommended that private landowners utilize a certified arborist for all work pertaining to trees, including but not limited to removal, pruning and planting activities.
- E. Legacy Trees are provided special protection by the Governmental Entity. (See the Urban Forest Management Plan for the Legacy Tree Program.)

## GOLD LEVEL ORDINANCE TEMPLATE

- F. All tree planting, selection and management shall be in compliance with the Governmental Entity Urban Forest Management Plan.
- G. It is recognized that diverse species and age structure of urban trees throughout the Governmental Entity are critical to the health of the forest structure and protects the Governmental Entity from catastrophic loss and improved longevity. Specifications for species and age diversity, planting and management are contained in the Urban Forest Management Plan.

### 1.4 PLANTING

- A. As outlined in the Urban Forest Management Plan, the Governmental Entity shall plant, and recommend to private landowners, diverse species with the ratio of not more than 15% of any one family, 10% of any one genus or 5% of any one species, with the exception of naturalized areas where species selections are based on the natural species assemblages as defined in the Urban Forest Management Plan. Diverse species composition protects the Governmental Entity from catastrophic loss.
- B. All trees planted by the Governmental Entity or their agent shall be planted in accordance with the Urban Forest Management Plan.
- C. Trees purchased by the Governmental Entity shall meet the specifications required in the Urban Forest Management Plan.
- D. It shall be unlawful to plant any tree or shrub in the public right-of-way, or on other publicly owned property or Conservation or Preservation Area, without prior written approval from the Governmental Entity and, in the instance of the Conservation or Preservation Area, the language on the recorded plat shall prevail.
- E. It shall be unlawful to plant any tree under utility wires that is anticipated to grow to a height that will interfere with the wires.
- F. The Governmental Entity shall implement a contract growing program. This contract will allow for stable pricing and broader species diversity to improve the overall diversity of the urban forest. This contract may be for a period of five (5) -ten (10) years.
- G. The Governmental Entity shall provide education and outreach to private landowners on the need for species and age diversity, proper selection and planting practices, and how to select species for particular sites.

**Commented [Is4]:** A contract growing template is available for consideration.

### 1.5 TREE CARE

- A. Tree care within the Governmental Entity, on public lands, shall comply with requirements identified in the Urban Forest Management Plan.
- B. The Governmental Entity shall provide education and outreach to private landowners on the need for proper tree care as identified in the Urban Forest Management Plan.

## GOLD LEVEL ORDINANCE TEMPLATE

### 1.6 TREE PROTECTION

This Section applies to any work being conducted on property which may impact public or private property trees.

- A. Unless otherwise authorized by this Section, it shall be unlawful for any person to remove, injure or undertake any procedure which will cause death, substantial damage, or create a hazard, to any tree without first obtaining a Tree Permit from the Governmental Entity.
- B. In the event of any site improvement, a Tree Preservation Plan is required, must be approved, and implemented prior to the start of any work or delivery of any materials to the Building Activity Area. The approved Tree Preservation Plan shall be available on the site throughout the entire construction period until final approvals for all site work shall be received in writing. (See Landscape or Development Ordinance.)
- C. In instances where construction or site work requires heavy equipment, all appropriate tree protection measures must be taken and identified in the Tree Preservation Plan and in compliance with specifications outlined in the Urban Forest Management Plan.

### 1.7 LEGACY TREE PRESERVATION

A. A Legacy Tree is a tree provided special designation by the Governmental Entity. The criteria for designation and protection is provided in the Legacy Tree Program and Legacy Tree List detailed in the Urban Forest Management Plan.

### 1.8 TREE REMOVAL

Tree removals are considered an impact to the entire Governmental Entity, whether on public or private land. It is clearly documented that larger trees provide larger benefits and as such, tree removal fees and fines are based on species and diameter (See Fee and Fine Schedule of the Code and the Urban Forest Management Plan). It is recognized that the planting of young trees to replace the value of mature trees will take tens of years and for this reason efforts should be made to preserve and protect trees where they are growing.

- A. It shall be unlawful for any individual to remove or cause damage to any tree located on public property without first receiving a Tree Permit from the Governmental Entity.
- B. No live, dead or dying tree, or grouping of trees, equal to 6" or greater on private property may be removed from private property without first obtaining a permit from the Governmental Entity.
- C. A nuisance tree is a tree that has already died, is in a state of irrevocable decline, has the capacity to damage a person or thing or is an invasive species. Removal of a nuisance tree shall require a permit from the Governmental Entity. In the event of an emergency, and access to the Governmental Entity is not possible, a nuisance tree may be removed without a permit, however, the property owner shall take photographs and memorialize the nuisance situation prior to removal and shall follow up with a request for a tree permit from the Governmental Entity on the next business day.
- D. Any tree removed from a parcel or transplanted elsewhere must be replaced according to the regulations outlined in the Urban Forest Management Plan.

## GOLD LEVEL ORDINANCE TEMPLATE

- E. A tree may be removed with a Tree Permit when necessary to observe good forestry practice such as optimizing the number of healthy trees in a given parcel of land, as determined at the sole and absolute discretion of the Governmental Entity, or when such removals are in accordance with the Governmental Entity approved Urban Forest Management Plan, Landscape Plan or Landscape Management Plan.
- F. A tree may be removed, with a Tree Permit, due to natural circumstances, or when it is dead or irreversibly declining, is in danger of falling, is too close to existing structures so as to endanger such structures, interferes with overhead utility services, creates unsafe vision clearance, or constitutes a health risk, when determined at the sole and absolute discretion of the Governmental Entity.
- G. All stump removals shall require underground utility locations prior to any action.
- H. If a tree is removed or damaged which is not on the Tree Permit it must be replaced or bonded as set forth in the Fine Section of this Code and in the Urban Forest Management Plan.
- I. Removal of invasive woody plants such as buckthorn does not require a permit and is encouraged. These invasive species can quickly colonize an area reducing the health and vitality of non invasive plants. A list of invasive woody plants is provided in the Urban Forest Management Plan. An incentive program is provided for private property owners to remove buckthorn and other invasive woody plants from their properties. This program is detailed in the Urban Forest Management Plan.

### 1.9 TREE REPLACEMENT

- A. It is recommended, when possible, tree replacement species come from the Preferred Species List as provided in the Urban Forest Management Plan.
- B. Any tree which is required to be removed or which has been damaged shall require a bond to be posted until adequate replacements or remediation can be made. The bond amount is identified in the Fine Section of the Code and in the Urban Forest Management Plan. Determination of extent of damage is at the sole discretion of the Governmental Entity.
- C. Any tree species removed, 6" DBH or a group of trees whose combined DBH inches equals 6", identified on the Preferred Species List, shall be replaced based on the calculation provided on the Preferred Species List with a species identified on that list as provided in the Urban Forest Management Plan. All tree replacements shall be spaced and sited appropriately by a certified arborist as provided in the Urban Forest Management Plan and as approved by the Governmental Entity.
- D. When a tree removal is required as a result of any project, tree replacement shall occur within the landscape season. In the event of weather conditions or species specific needs, which prohibit proper replacement of a tree, the Governmental Entity may issue written notice of an extension of up to 180 days upon written request by the Applicant. If an extension is awarded to the Applicant, the Applicant shall notify the Governmental Entity when replacement is complete. If, after the 30 day or awarded 180-day extension, the tree is not replaced or the Applicant has not notified the

## GOLD LEVEL ORDINANCE TEMPLATE

Governmental Entity that installation is complete, all bonds shall be forfeited and the bond money shall be placed in the Tree Bank. Tree removal requirements, associated with a development project, can be found in the Development Section of the Code.

- E. All tree replacement plantings shall require an underground utility location prior to planting.
- F. If the property where a removal has taken place does not have adequate space to plant a replacement tree, then the Applicant shall be required to pay the Governmental Entity a dollar amount as identified in the Fee Section of the Code. Funds shall be placed in the Tree Bank for tree replacement or tree care in another area of the Governmental Entity. (See the Urban Forest Management Plan.)

### 1.10 SPECIAL RULES FOR CONSERVANCY OR PRESERVATION AREAS

If a Conservancy or Preservation Area is impacted in any way, the following restitution shall be charged to the offender:

- A. A cash bond (in addition to the Tree Permit Bond) is required for every one thousand square feet of Conservancy or Preservation Area as defined in the Fee Section of the Code.
- B. The purpose of this deposit is to pay for restoration of the Conservancy or Preservation Area damaged directly or indirectly as a result of the impact. All restoration shall be in accordance with the Conservancy Area Restoration Guide contained in this Code.
- C. Any maintenance made necessary as a result of impact, including but not limited to the removal of dead trees or preventative measures such as root pruning or crown reduction of existing trees.
- D. Any expenses incurred by the Governmental Entity, as a result of the impact in administering or enforcing the provisions of this Code.
- E. The Cash Bond will be refunded one year after the repairs have been made and all maintenance is completed.

### 1.11 TREE PRESERVATION AND/OR REMOVAL PLAN FOR SIGNIFICANT REMOVALS, CONSTRUCTION AND/OR DEVELOPMENT

An applicant seeking a permit for significant tree removals or tree removal and/or planting related to construction and/or development shall submit three copies of a legible Tree Preservation Plan drawn to industry acceptable scales ranging between 1" = 20' to 1" = 80' and exhibiting the following information for the entire site (See Landscape Ordinance for more information.) All activities taking place shall be in compliance with the Urban Forest Management Plan:

1. Property address,

## GOLD LEVEL ORDINANCE TEMPLATE

2. Scale: 1 inch equals 20 feet for small individual property lot up to 1" = 80' for an entire subdivision
3. Plan Title: Tree Preservation Plan or Tree Preservation and Grading Plan or Tree Planting Plan or Tree Removal Plan,
4. Date,
5. Property line boundaries and easements,
6. Front, side and rear yard setbacks,
7. Existing and proposed driveways, walkways, patios and other impervious surfaces or structures,
8. Existing and proposed building footprint,
9. Existing and proposed grades and drainage ways,
10. If required, tree inventory as outlined previously in this Section,
11. Location, size, species of all trees within fifteen feet of construction activity envelope on abutting properties and/or rights-of-way,
12. All trees to be removed, marked with an "X" or other denotation,
13. Tree Inventory Data Sheet: Identification number, species, and save/remove information for every tree located on the plan,
14. Tree size shall be identified as DBH, canopy spread and root zone,
15. Location of chain link tree preservation fencing. Fencing shall be placed DBH as described in Tree Protection section of the Code.
16. Location of silt fencing (required to run parallel to the Tree Preservation requirements (root pruning, plywood access routes, mulching, etc.),
17. Location of equipment/supply storage and staging,
18. Required plan notes listed,
19. Identification of uses on adjacent properties, and
20. If grade is to change, existing and proposed elevations with contour lines at one foot intervals.

## GOLD LEVEL ORDINANCE TEMPLATE

### 1.12 NUISANCE TREES

A tree which is determined to be a nuisance risk tree is one which is dead or declining and has the potential to damage other trees, people, or structures.

- A. It shall be the duty of the property owner on any parcel to promptly remove any trees which pose a risk.
- B. Should the Governmental Entity notify the property owner, in writing, of a tree which is a potential risk, the property owner shall have thirty days to remove the tree. If after thirty days the property owner has not removed the tree then the Governmental Entity shall take action to have the tree removed and shall provide to the property owner a written invoice outlining all costs associated with the removal, including but not limited to staff time, materials and oversight of said removal. Should the property owner not reimburse the Governmental Entity within thirty days of issuance of a written invoice, the Governmental Entity shall place a lien on the property until all expenses related to the removal and subsequent lien are paid.

#### C. Infected, Infested Trees Due to a Pest or Pathogen Are Defined as a Nuisance

- 1. Any tree which is in a state of irreparable or untreatable decline due to heavy infestation or disease is included in the definition of a nuisance. Infested or infected trees, which at the direction of the Federal or State Departments of Agriculture are identified to be in quarantine or can potentially infect or infest other trees are defined as a nuisance. This would include but not be limited to Ash (*Fraxinus*) trees infested with emerald ash borer which are not being treated or whose treatment is ineffectual, or Elm trees (*Ulmus*) infected with Dutch elm disease. This enforcement, management, regulation, quarantines and other relevant information are included in the Urban Forest Management Plan.
- 2. Trees in Decline or Dead Are Defined as a Nuisance
  - a. Any tree or part of a tree which is dead which could potentially fall on another trees, a person or structure is defined as a nuisance.
  - b. It shall be unlawful for any owner - of any lot or land in the Governmental Entity to permit or maintain on any such lot or land, any tree which is dead, or declining to the state where it may create a potential risk for structures, other trees, or people. It shall be the duty of any such owner to promptly cause the removal of any such tree.

### 1.13 INVASIVE SPECIES CONTROL

#### A. INVASIVE WOODY PLANTS

- 1. Invasive plants cause ecological disruption to natural ecosystems. The type of impact varies based on the species and the traits of that species. The Urban Forest Management Plan contains the list of Invasive Species and non-preferred species. The planting of Invasive Species is not allowed and removal is strongly encouraged. The private property invasive species incentive program is detailed in the Urban Forest Management Plan.

## GOLD LEVEL ORDINANCE TEMPLATE

2. The Governmental Entity shall develop and implement an outreach plan to educate property owners of the potential impacts and remediation strategies, including a suggested planting list of alternative species to assist property owners in dealing with the problem. (See Urban Forest Management Plan.

### B. INVASIVE DISEASES AND INSECTS

1. **Impacts to Trees**  
Invasive diseases and insects can create significant stress to trees and in some instances kill trees. The Governmental Entity shall include in the Urban Forest Management Plan a list of Invasive Diseases and Insects which have been identified by State and Federal Departments of Agriculture as significant threats to trees.
2. **Invasive Species Management Plan**  
The Governmental Entity shall develop an action strategy to deal with any of these diseases or insects and take action to remove the pest, forestall impacts to the trees through treatments or other means or develop a removal and replacement strategy for remediation of the problem. This strategy shall be contained in the Urban Forest Management Plan.
3. **Private Property Owner Outreach**  
The Governmental Entity shall develop and implement an outreach plan to educate property owners of the potential impacts and remediation strategies to help property tree owners in dealing with the problem.

### 1.14 TREE PLANTING CREDITS

- A. The Governmental Entity shall provide tree credits to property owners who proactively plant trees on their property and is detailed in the Urban Forest Management Plan.

### 1.15 TREE BOARD

- A. **Establishment**  
The Governmental Entity hereby establishes a Tree Board which shall be a recommending body to provide assistance, direction and expertise to the Governmental Entity regarding the preservation, planting, management and protection of trees. The Tree Board shall utilize the urban forest management plan for guidance on urban forestry issues.
- B. **Membership**
  1. The Tree Board shall consist of seven members and one alternate member who shall be appointed by the Mayor, subject to approval of the Governmental Entity Board. It is recommended that individuals within the community who have expertise in horticulture, forestry, planning or related fields be sought as members of the Tree Board. At least one member of the Tree Board shall be a certified arborist. The Mayor shall designate one of the members to act as chairman of the Tree Board, subject to the approval of the Governmental Entity Board. A member of the Governmental Entity Board shall be assigned to be an ex officio member of said Tree Board without the

**Commented [Is5]:** The number of members, term and composition of the Tree Board are recommendations.



## GOLD LEVEL ORDINANCE TEMPLATE

power to vote. The one alternate member shall attend and participate in all meetings of the Tree Board, but shall only vote in the event one or more of the full members is absent. All members of the Tree Board shall be property owners of the Governmental Entity, unless no certified arborist is a property owner within the Governmental Entity.

2. The appointed members shall serve for a period of three years. An alternate member shall be appointed for a term of one year. If a vacancy shall occur in the full membership, the alternate member shall be appointed to fill such vacancy. Vacancies in full and alternate membership shall be filled in the same manner as original appointments. The Tree Board members shall serve without compensation.

### C. Procedures

1. The Tree Board shall meet and adopt, change or alter, rules and regulations of organization and procedure consistent with Governmental Entity ordinances and Illinois State laws. The Tree Board shall keep written records of its proceedings which shall be open at all times to public inspection. The Tree Board shall file an annual report to the Governmental Entity Board setting forth its past-year activities and recommendations for future action by the Governmental Entity.

### D. Powers and Duties

The Tree Board shall have the following powers and duties subject to the approval of the Governmental Entity Board:

1. To provide guidance on the preservation, care, management and protection of trees within the Governmental Entity in accordance with Urban Forest Management Plan.
2. To prepare and recommend to the Governmental Entity Board from time to time recommendations for specific improvements of the preservation, care, management and protection of trees within the Governmental Entity.
3. To recommend rules and regulations to the Governmental Entity Board for budget, plans, projects and schedules regarding the preservation, care, management and protection of trees within the Governmental Entity.
4. To review the Governmental Entity Urban Forest Management Plan and provide recommendations for improvements to the Governmental Entity Board.
5. To work collaboratively with Governmental Entity forestry staff to support the Governmental Entity ordinances and Urban Forest Management Plan.
6. Manage and administer all plans, programs, projects and tasks delegated to it by the Governmental Entity Board as authorized and directed by the Governmental Entity Board.
7. The Tree Board shall hear any requests for appeal to this Code and make recommendations to be forwarded to the Governmental Entity for a final decision.

### E. Salaries and Employees

## GOLD LEVEL ORDINANCE TEMPLATE

The Tree Board may, with the review and approval of the Governmental Entity Board, employ necessary help whose salaries, wages and other necessary expenses shall be established by the Governmental Entity Board and provided for by adequate appropriation made by the Governmental Entity Board from the public funds. Staff and resource needs shall be included in the Forest management plan.

### 1.16 TREE PERMIT PROCEDURE

#### A. Applicant Submission

An applicant for a simple tree removal on public or private property shall fill out a Tree Removal Request online, or in person, and the Governmental Entity arborist shall make an inspection and render a determination.

If a removal is significant, in conjunction with any type of development, then a full tree preservation plan and inventory for the area to be impacted will be required. The Governmental Entity shall review the plan. This review shall include an inspection of the site and referral of the application for recommendation to other appropriate administrative departments or agencies. The Governmental Entity shall render a decision on the application within ten working days of its receipt of a properly completed application.

### 1.17 PERMIT ISSUANCE

#### A. Issuance

The Governmental Entity shall issue a permit upon approval of an application and payment of a required fee and bond.

#### B. Time Limitation

1. A permit shall expire and become null and void if work authorized is not commenced within one year from the date of the permit or if such work when commenced is suspended or abandoned at any time for a period of one year.
2. If work has commenced and the permit becomes null and void or expires because of a lack of progress or abandonment, a new permit for the proposed tree removal, planting activity shall be obtained before proceeding with further work.

### 1.18 CASH BONDS

- A. If tree replacement is required by this Section, then as a condition of the Tree Permit, the Applicant shall submit a cash bond as identified in the Fee Section of this Code. The bond shall be held for the purpose of assuring that the replacement tree(s) are purchased and planted.
- B. If it is determined that practices which violate any portion of the Governmental Entity Code have resulted in tree damage, then the Governmental Entity may require that a cash bond, as determined in accordance with the Fee Section of this Code, shall be submitted at the time the violation occurs. The bond shall be held for the purpose of assuring that all remedial actions to minimize tree damage are taken, and/or for the purpose of assuring tree replacement should any damaged tree die or show noticeable signs of decline as determined by a certified arborist. If it is determined that residual damage may not be apparent, then the bond may be held for a period of 60 months or five

## GOLD LEVEL ORDINANCE TEMPLATE

years. At the end of which time, if the tree survives and is in good health, as determined by a certified arborist the bond shall be returned. If the tree does not survive, and was not further impacted by an act of God, or is in poor health then replacement shall be required as identified above and according to the Fee Section of the Code.

- C. If the bond is posted for a tree and the property owner wishes to transfer the property, then the bond shall be transferred with the property. If the bond is returned, then it shall be returned to the existing property owner.

### 1.19 FINAL INSPECTION

Final approval shall be issued when all relocation, replacement or remediation of trees is completed and a final inspection has been conducted by the Governmental Entity. Should the Governmental Entity determine that the season is inappropriate for planting then relocation or replacement shall be deferred until the next planting season. All bonds and fees will remain in the custody of the Governmental Entity until final inspection and approval has been provided in writing.

### 1.20 COMPLIANCE

The Governmental Entity shall retain jurisdiction to ensure compliance with this Section and shall have the right to issue a stop work order for non-compliance. No stop work order issued pursuant to this Section shall be removed by the Governmental Entity unless the applicant has paid a reinspection fee in accordance with the Fee Schedule of this Code.

### 1.21 PENALTY

Any person found guilty of violating any provision of this Section shall be assessed at a cost as prescribed in the Fee Section of the Code. Each tree cut down, destroyed, damaged, removed or moved shall constitute a separate offense. In addition to these penalties, if a tree is removed in violation of this Section, all replacement requirements of this Section shall be applied.

### 1.22 ENFORCEMENT

#### A. Enforcement Right of Entry of Governmental Entity Officers

To carry out the purposes of this Section and to implement its enforcement, the Governmental Entity is authorized and empowered, upon 24 hours' notice, to enter upon any lot or parcel of land in the Governmental Entity at all reasonable hours to inspect any tree or wood and to remove specimens from any such tree to determine their condition. It shall be unlawful for any person to interfere with a Governmental Entity Officer carrying out the duties authorized in this Section.

#### B. Duty of Property Owner to Abate Nuisance or Potential Risk

If it is determined that there exists a public nuisance or risk as declared in this Section, the Governmental Entity shall serve or cause to be served upon the owner - of the lot or parcel of land on which such nuisance or risk is located, a written notice identifying the nuisance or risk and requiring the owner to comply with the provisions of this Section. If the person upon whom such notice is served fails, neglects or refuses to remove and dispose of the tree or dead wood within thirty days after service of such notice, the Governmental Entity may proceed to remove and dispose of such tree or dead wood and the costs shall be paid by the owner to the Governmental Entity.

## GOLD LEVEL ORDINANCE TEMPLATE

### C. Service of Notice to Property Owner

Service of notice provided for in this Section shall be effected by personal service or by certified mail addressed to the occupant or to the person to whom, and at the address, to which the tax bill was sent for the general taxes for the last preceding year on the lot or parcel on which the nuisance is located.

### D. Governmental Entity Abatement and Assessment of Costs

Any costs incurred by the Governmental Entity in the abatement of a public nuisance or hazard as declared in this Section shall be assessed against the record owner of the land involved and the Governmental Entity shall place a lien upon such property for those costs in the manner provided by law.

#### 1.22 EXCEPTIONS

If because of emergency weather or other casualty conditions a tree is endangering health, safety or property and requires immediate removal, verbal authorization may be given by the Governmental Entity for the tree removal without obtaining a written permit. Such verbal authorization shall later be confirmed in writing by the Governmental Entity.

#### 1.23 APPEALS FOR VARIANCE

- A. Any person aggrieved by any decision of the Village in the enforcement of any terms or provisions of this Section may, within ten working days after the date of the decision, appeal to the Tree Board by filing a written notice of appeal with the Governmental Entity Clerk. The notice of appeal shall set forth concisely the decision and the reasons or grounds for the appeal. The Tree Board may make a recommendation to the Governmental Entity Board to affirm, modify, or reverse the decision. The decision of the Governmental Entity Board shall be final and no petition for rehearing or reconsideration shall be available. Reasonable notice of the hearing by the Tree Board shall be provided by the Governmental Entity Clerk to all affected parties.
- B. No variances in the strict application of the provisions of this Section shall be recommended for approval by the Board unless it finds:
1. That there are special circumstances or conditions, fully described in the written notice of appeal which are peculiar to the property (properties) and do not apply generally to properties within the Governmental entity, and that said circumstances or conditions are such that the strict application of the Code would deprive the applicant of the reasonable use of the subject property (properties).
  2. That for reasons fully set forth in the written notice of appeal, the granting of the variance is necessary for the reasonable use of the property (properties) and that the variance, as recommended for approval by the Board, is the minimum variance that will accomplish this purpose.

**Commented [Is6]:** Administrative review and variance options may need to be added to his section. Work with your legal advisor on this.

Any person aggrieved by any decision of the Governmental Entity representative or request a variation from the terms of this Section before the Governmental Board. An application for appeal shall be based on a claim that the true intent of this Section or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Section do not fully apply, or an equivalent form of construction is to be used. The Governmental Board shall grant variations from the strict application of any of the requirements of this Section in the case of exceptional conditions, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of reasonable use of the land or building involved. In granting any variation, the Governmental Board shall prescribe any conditions that it deems to be necessary or desirable. The Board shall affirm, modify, or reverse the decision of the Governmental Entity representative by a majority vote.

## GOLD LEVEL ORDINANCE TEMPLATE

3. That the result of granting of the variance will be in harmony with the general purpose and intent of standards set forth within this Code and in harmony with this Section, and will not be injurious to adjacent property or otherwise detrimental to the public welfare.

### 1.24 CIVIL REMEDIES

In addition to any other remedies provided by this Section the Governmental Entity shall have the following judicial remedies available for violations of this Section or any permit condition promulgated under this Section.

- A. The Governmental Entity may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages for any injury caused by the removal or damage of trees in contravention of the terms of this Section.
- B. The Governmental Entity may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this Section to enjoin any violation, and to seek injunctive relief to prevent irreparable injury to the trees or properties encompassed by the terms of this Section.

## Attachment 6- Resident Emails

**From:** [Steve Later](#)  
**To:** [Barrow, Peter](#); [Dodd, Kathy](#); [Kennedy, Gina](#)  
**Cc:** [Braiman, Michael](#)  
**Subject:** Please Strengthen Wilmette's Tree Ordinance  
**Date:** Thursday, November 11, 2021 1:06:05 PM

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Dear Trustees Barrow, Dodd, and Kennedy:

I believe that legacy canopy trees throughout Wilmette provide myriad environmental and well-being benefits that should be supported and represent a defining characteristic of our community worthy of protection.

Accordingly, I encourage you to propose and promote modifications that strengthen current Village code relative to tree protection.

While sensitive to personal property rights I feel that existing canopy trees provide an exceptional community benefit which warrants a reasonable balance of those rights.

Please act with urgency.

Thank you.

Steve Later  
515 Greenleaf Avenue  
Wilmette

**From:** [Dodd, Kathy](#)  
**To:** [Braiman, Michael](#)  
**Subject:** Fwd: Trees  
**Date:** Wednesday, November 10, 2021 4:02:56 PM

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**From:** michael mccarthy <mccarthy934@yahoo.com>  
**Date:** November 10, 2021 at 12:40:05 PM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Cc:** Karen Glennemeier <kglennemeier@gmail.com>, Norm Ryan <nsryan@sbcglobal.net>  
**Subject:** Trees

Dear committee;

I have been particularly upset by the near- clear cutting of large beautiful trees on tear down lots all over Wilmette. Across the street from me they could have avoided taking down a beautiful large healthy oak that was literally right on the property line of my neighbor —cc'd—who benefited greatly by the wonderful shade it provided. The whole neighborhood was upset by this move. I bet it could have been avoided if the rules could be bent ever so slightly. This tree was not interfering with the proposed house or water and sewer. It made no sense to many of us.

Developers do not care about the trees. They care about the \$. Period. Please inject yourselves into the approval process on a case by case basis to provide some leeway to save the beautiful trees in this community.

Thank you  
Mike McCarthy  
707 Laurel

Sent from my iPhone



**Meeting Date:** November 16, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager

**Subject:** Additional Agenda Material #1

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The following material is enclosed as additional agenda material for the November 16, 2021 Land Use Committee meeting regarding tree preservation policy:

1. Graphic from American Forests regarding tree plantings

*A link to this graphic should have been footnoted in the report for this meeting in the section which suggested that two trees be planted for every new planting required. This suggestion was based on feedback from the Chicago Region Trees Initiative which referenced research conducted by American Forests on this topic.*

2. PowerPoint Presentation

*The presentation summarizes the material in the report to the Land Use Committee for this meeting.*

3. Resident Emails

*Emails received through Monday, November 15 at 1:00pm are attached.*



THE PROBLEM

In U.S. urban areas, we are **losing one tree for every two trees established.**

(established means planted or naturally regenerated)



The loss is mainly to due to:

**Natural disasters**, such as hurricanes, tornadoes, fires, insects and diseases

**Difficulty of growing trees in urban areas**, due to such things as poor soil and heavy foot traffic

**Tree removal for development**

**Improper planting practices**

**Tree loss is a problem, given the role trees play in advancing Tree Equity and slowing climate change.**

And it's not a problem that's going away.

The projected loss of tree canopy in urban areas is

**8.3%** by 2060.

THE SOLUTION

Annually plant **31.4 million** trees in the U.S., which will cost \$8.9 billion.

Doing so would mean that, on average, the **tree canopy cover in urban areas would be 43.3%.**

That's a relative **10% increase** over current tree canopy cover.

THE BENEFITS

of planting 31.4 million trees annually



**Tree Equity**

We will advance Tree Equity by planting these trees where they are needed most.



**Jobs**

At least 228,000 jobs would be created or supported every year.



**Climate Change**

Nearly 1 billion metric tons of carbon would be stored in the trees.



**Health**

There would be a savings of nearly \$1.6 billion a year from things like avoided asthma-related emergency room visits.



# Tree Preservation

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NOVEMBER 16, 2021

LAND USE COMMITTEE

# Committee Review Process

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- October 21
  - Review Wilmette specific tree data and policies
  - Review policies in similar communities
  - Solicit public feedback (at all meetings)
- **November 16**
  - **Determine preferred policy approach**
- December- Date TBD
  - Review details of preferred policy and provide direction to staff
  - Discuss tree protection
- January 25 at 1:00pm
  - Review draft ordinance and recommend policy changes, if any, to Village Board

# Topics to Review this Evening

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- Wilmette specific tree data
  - 2019 canopy projects and removal of dead/dying trees
- Discussion of canopy coverage ordinance
  - Consider potential improvements

# Decision Points Tonight for the LUC

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- Maintain canopy concept for development with improvements and consider additional protections outside of development

OR

- Change approach to implement a policy more similar to nearby communities:
  - Would generally apply to all tree removals over a certain size
  - Replacement requirements / fees in lieu of replacement
  - May include additional protections for desirable trees



# Wilmette Tree Data

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# 2019 Canopy Coverage Data

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**26 projects were reviewed:**

## Tree Removals

- 64 trees 10" or greater in DBH removed,
- 1,306" DBH removed

## Tree Plantings

- 21 new trees planted, totaling 42" DBH planted
- 14 of 26 projects did not plant new trees
  - 12 of these 14 projects removed a tree but were not required to plant a new tree

## Summary of Tree Loss

- 43 more trees removed than planted
- 1,264" DBH more removed than planted

# Wilmette Specific Tree Removal Data

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Reason	2006	2019
Dead/Dying/Diseased	49 (33%)	294 (65%)
Hazardous	6 (4%)	22 (5%)
Too Close to Existing Structure	19 (13%)	29 (6%)
Overgrown	8 (5%)	17 (4%)
Construction	48 (33%)	56 (12%)
Storm Damage	5 (3%)	11 (2%)
Good Forestry/Invasive	- (0%)	10 (2%)
Too Much Shade	7 (3%)	3 (1%)
New Landscaping	- (0%)	3 (1%)
Nuisance	5 (3%)	4 (1%)

**In 2019, 48 trees were removed which could have been related to construction which took place since 2010**

Note: Data in the table to the left is imperfect and illustrative only. Permit data is self-reported by the applicant.

**Tree protection to be discussed in more detail at future LUC meeting**





# Canopy Coverage Ordinance

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# Tree Canopy Coverage Requirements

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- When applicable, 35% of the property must be covered by tree canopy:
  - Trees on the public ROW and adjacent properties may count toward the coverage requirement
  - Existing Oak (24"+), Hickory (16"+) and American Elm (30"+) receive a bonus coverage multiplier of 1.5x
- If the property is unable to meet the 35% coverage with existing trees, new trees must be planted onsite which, at maturity, would provide 35% canopy
  - On a typical 7,500 square foot lot this is often accomplished by planting one shade tree

# How Does Wilmette Compare?

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	Neighboring Communities	Wilmette
<b>Ordinance applicability</b>	All healthy, non-hazardous tree removals over a certain size (average is 9" DBH)	During demolition, new construction, certain large additions
<b>Replacement requirements</b>	Plant new trees or pay a fee in lieu for every inch of tree removed	May be required to plant a new tree(s) if 35% canopy coverage is not met
<b>Example: Removing three 20" DBH trees</b>	Example: In Winnetka, 20 new trees planted or a payment of \$15,000 to Municipal Tree Fund	Example: Potentially requires one new tree at an approximate cost of \$400
<b>Protections for desirable species</b>	<ul style="list-style-type: none"><li>-Replacement requirements are doubled (Lake Forest)</li><li>-Prohibit removal of certain trees (Northbrook/Winnetka/Highland Park)</li><li>-Prohibit removals in certain locations/circumstances (Lincolnshire)</li></ul>	Designed to incentivize the preservation of large Oak, Hickory and Elm species by applying a 1.5x bonus multiplier to the canopy calculation

# Goals of Tree Preservation Policy

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- Minimize the number of unnecessary removals
- Ensure sufficient replacement requirements when there are removals in order to maintain/grow the community's tree canopy
  - Focus on reforestation not revenue generation
- General policy goals:
  - Simple and easy to understand
  - Enforceable
  - Reasonable

# Does Current Policy Meet Goals?

- Does the canopy coverage requirement limit the unnecessary removal of trees?
- Are the replacement requirements sufficient to at least maintain the Village's tree canopy over time?
- Is the policy simple and easy to understand, is it enforceable and is it considered reasonable by users?

Question	Answer	Explanation
Are unnecessary removals minimized?	No	This question is difficult to answer but compared to other preservation policies, there are no mechanisms to disincentivize, to limit, or prevent certain removals and the policy is only applicable during development
Are tree replacements sufficient?	No	For 2019, of the 26 projects reviewed for canopy coverage, 43 more trees were removed than planted with a net a loss of 1,264" DBH; further, due to construction impacts newly planted trees struggle to reach maturity *Additional detail is below this table and details can be found in Attachment #1.
Is the policy simple and easy to understand?	No	The policy is complex due to the calculations required to determine existing coverage and projections on how new trees will mature
Is the policy enforceable?	No	While the Village Staff is able to adequately enforce the policy, the failure to account for the condition of trees that apply toward the 35% coverage minimum as well as the ability to remove those trees at any time limits the effectiveness of the enforcement
Is the policy considered reasonable?	Yes	Stakeholder sessions with users indicated the policy was considered reasonable

# Potential Canopy Improvements

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- Do not apply trees on adjacent properties or public ROW to meeting the 35% canopy threshold
- Take into account the condition of the trees which are applied toward the canopy threshold
  - Would necessitate a tree survey submitted by a certified arborist
- Consider whether 35% is the right threshold:
  - Should the minimum standard be increased/decreased?
  - Should two tree plantings be required for every new tree?
  - Alternative concept: Should the amount of canopy removed have to be replaced?

# Non-Development Removals

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- Does the LUC want to regulate removals outside of the development process?
  - Non-development regulations will require a new Village Forester (net cost of \$90,000)
- If this regulation is appropriate, ideas for consideration:
  - Extend canopy concept to all removals; or
  - Implement separate policy which differs from development, examples:
    - Prohibiting removals in the required yards
    - More significant replacement requirements for the removal of certain trees

# Next Steps

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- Schedule a Land Use Committee meeting in December to refine preferred policy
- Clearly communicate upcoming meeting dates and discussion topics to stakeholders and the general public



**From:** [Roberts, Lisa](#)  
**To:** [Braiman, Michael](#)  
**Subject:** FW: Tree Preservation Policies Comment for Land Use Committee  
**Date:** Monday, November 15, 2021 11:55:31 AM

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**From:** Laurie Leibowitz <lbmarmel@comcast.net>  
**Sent:** Monday, November 15, 2021 11:53 AM  
**To:** Roberts, Lisa <robertsl@wilmette.com>; Kennedy, Gina <kennedyg@wilmette.com>; Dodd, Kathy <doddk@wilmette.com>; Barrow, Peter <barrowp@wilmette.com>  
**Cc:** Mary Lawlor <lwwwcee22@gmail.com>  
**Subject:** Tree Preservation Policies Comment for Land Use Committee

Hi Village Staff and Trustees Barrow, Dodd, Kennedy,

As a resident of Wilmette who recently did an extensive landscaping project, I am concerned that I cannot find much discussion on guidelines/regulations to protect trees for developers and landscapers during the construction process. It was my observation that our contractor needed lots of reminders to train and supervise sub-contractors and employees working on site regarding tree protection practices. Here are some thoughts on issues that are important to minimize tree damage during the construction process:

1. **Fencing:** I believe this is done already but there should be a plan to fence trees to the drip line that is submitted during the permitting process and ideally a forester would inspect the fencing initially and at regular intervals during the construction process. No materials should be stored in the fenced areas to prevent tree root compaction. In areas where vehicle traffic is unavoidable near trees, foresters should educate contractors about the need to protect tree roots from compaction at all times and ways to do so. For example, planks can be laid down to spread weight if a truck must drive near a tree. We installed a geoweb to protect trees that were near a regular pathway for heavy equipment.
2. **Disposal of liquid construction chemicals:** Clear instructions should be provided to all sub-contractors about disposal of liquid construction chemicals including no disposal in the ground and

especially not near trees.

3. **Tree trimming before the construction process begins:** branches that are near driveways or areas that tall trucks will use should be trimmed before the construction process begins to avoid damage. We also pruned some roots on our burr oak that were exposed in the construction process to minimize damage.

4. **Tree care during construction:** extra care should be taken to make sure trees are watered during dry periods and fertilized if recommended. Mulch to the dripline to conserve moisture.

5. Avoid **grade changes** near a tree.

6. **Educate the owner** - Owners are often invested in protecting trees and can advocate for tree protection measures if they are educated about what is needed.

I understand that staffing concerns might not allow extensive follow-up at all construction sites. Wilmette has many beautiful legacy trees so I hope the Village will consider prioritizing construction sites with more valuable but often difficult to protect trees. I hope the new tree ordinance will provide strong regulations to protect all trees during the construction process and will provide for both education and enforcement.

Please note I am commenting as a resident and not as a member of any organization.

Thank you for your work on the Tree Ordinance.

Laurie Leibowitz

Pronouns: she, her, hers

847-363-8366

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:27 AM  
**To:** Norwood, Karen  
**Subject:** FW: I support a stricter tree ordinance

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**From:** Mindy Heidekat <[mindy.heidekat@gmail.com](mailto:mindy.heidekat@gmail.com)>  
**Sent:** Wednesday, November 10, 2021 6:01 PM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** I support a stricter tree ordinance

Dear Land Use Committee,  
As a Wilmette resident and a landscape designer, I support a more robust ordinance that protects the healthy mature trees in our village.

In my landscape design business I often come across trees that are not conveniently located in a client's yard. I understand that it can be frustrating to design a patio or walkway around a mature tree, and that sometimes people want a sunny lawn for their children to play in. That being said, I strongly support a tree ordinance that protects the surviving tree canopy in our Village. I work with many neighboring communities that charge hefty fees or require new trees be planted with a formula based on the diameter of the tree being removed. Even though this can be an inconvenience and expense for the homeowner, the importance of our healthy mature trees outweighs the inconvenience.

Sincerely,  
Mindy Heidekat  
1013 Linden Ave.  
Heidekat Design  
[www.heidekatdesign.com](http://www.heidekatdesign.com)  
847.204.7547

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:27 AM  
**To:** Norwood, Karen  
**Subject:** FW: Tree Ordinance

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**From:** Gregory O'Reilly <[gwilliamoreilly@gmail.com](mailto:gwilliamoreilly@gmail.com)>  
**Sent:** Wednesday, November 10, 2021 6:43 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** Tree Ordinance

Dear Committee Members,

I have recently become aware of the possibility of updating our tree ordinance. I would very much support strengthening this ordinance. Trees are a help in absorbing stormwater which has been an increasing problem in our neighborhood. Also, we just lost a towering pine that was home to our neighborhood Red Tail Hawk. The neighborhood watched during the pandemic as two hawks made a nest and raised a chick. The neighborhood children named him "Buddy." But the house sold and the tree was cut down last month. Such a loss.

Please work to strengthen this ordinance.

Thank you,

Cathy O'Reilly  
1225 Princeton Pl

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:28 AM  
**To:** Norwood, Karen  
**Subject:** FW: New Tree Ordinance

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**From:** Mary Ellen Fausone <[mebdoc84@gmail.com](mailto:mebdoc84@gmail.com)>  
**Sent:** Wednesday, November 10, 2021 7:29 PM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** New Tree Ordinance

To Trustees Barrow, Dodd, and Kennedy-

I am writing to voice my support for a stronger tree ordinance for Wilmette.

As I am sure you know, our tree canopy is decreasing. Many of our neighboring communities have strengthened their regulations over the years.

Having nice trees around used to be an aesthetic issue, and for that the existing ordinance was adequate. Now, it is a flooding issue ( trees suck up lots of water), and most importantly, a climate issue.

Last year, we sold our Wilmette home which was on a corner lot ( we are now in a Wilmette condo). The new owners lost no time in cutting down three large spruce/fir trees. They were not interfering with anything structural- the new owners just didn't like the aesthetics. The same thing happened to the house across the street from us- and the data indicate that it is happening throughout the village.

I do not know precisely what a revised tree ordinance would look like, but we have reached the point in our climate that getting rid of trees, especially larger ones- needs to have consequences. We need to protect individual trees and the overall tree canopy. Paying for replacement trees elsewhere in the village would be one potential solution- although not ideal as an older larger tree provides more shade cover than a younger tree. Prohibiting removal of a certain size tree would be another option.

Trying to mitigate climate change is not easy- we all will need to make compromises moving forward. But everything we do now counts.

Thank you all for your service to Wilmette.

Sincerely,

Mary Ellen Fausone  
[mebdoc84@gmail.com](mailto:mebdoc84@gmail.com)  
1618 Sheridan Rd Unit 3  
Wilmette IL 60091

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:28 AM  
**To:** Norwood, Karen  
**Subject:** FW: Please Strengthen Wilmette's Tree Ordinance

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**From:** Steve Later <[latersteve@gmail.com](mailto:latersteve@gmail.com)>  
**Sent:** Thursday, November 11, 2021 1:05 PM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Cc:** Braiman, Michael <[braimanm@wilmette.com](mailto:braimanm@wilmette.com)>  
**Subject:** Please Strengthen Wilmette's Tree Ordinance

Dear Trustees Barrow, Dodd, and Kennedy:

I believe that legacy canopy trees throughout Wilmette provide myriad environmental and well-being benefits that should be supported and represent a defining characteristic of our community worthy of protection.

Accordingly, I encourage you to propose and promote modifications that strengthen current Village code relative to tree protection.

While sensitive to personal property rights I feel that existing canopy trees provide an exceptional community benefit which warrants a reasonable balance of those rights.

Please act with urgency.

Thank you.

Steve Later  
515 Greenleaf Avenue  
Wilmette

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:28 AM  
**To:** Norwood, Karen  
**Subject:** FW: Strengthen Wilmette's Tree Ordinance

---

**From:** Sarina McBride <[scmc848@gmail.com](mailto:scmc848@gmail.com)>  
**Sent:** Thursday, November 11, 2021 2:01 PM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Strengthen Wilmette's Tree Ordinance

After watching the Chicago Region Tree Initiative presentation from earlier this year, I believe Wilmette needs to strengthen its tree ordinance related to trees on private property. I hope we can fund an initiative to identify the trees on private property as well because recognizing, and potentially monetizing, the tree infrastructure in Wilmette can increase property values.

Sarina McBride  
105 4th St  
Wilmette Sent from my iPad

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:28 AM  
**To:** Norwood, Karen  
**Subject:** FW: new tree ordinance

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**From:** Scherman, Timothy <[t-scherman@neiu.edu](mailto:t-scherman@neiu.edu)>  
**Sent:** Thursday, November 11, 2021 2:23 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** new tree ordinance

Dear members of the Land Use Committee,

I will not be in the country for your meeting on November 16, but I did want to express my full support for a more robust tree ordinance in Wilmette to compete with our neighboring communities.

The idea that cutting down a 10" tree only costs a developer \$29, or that other larger trees can be cleared for new homes for a price, without consideration of larger environmental impact, is 1970s thinking.

The worst effect of the current ordinance for neighborhoods is the way the complete clearing of lots and replacement of only one or two trees in a yard *promotes* a complete lack of creativity in architecture. Forget the grey Hardi Board everywhere--when you clear the lot completely, the easiest thing to put there is a big box, however it's dressed up to look like a farm house.

As neighborhoods lose the old houses to new, even newly valued areas like the now named "McKenzie Square" are looking like the Truman Show.

The idea isn't revenue. It's to save big trees that break up the landscape, absorb water and carbon dioxide, and which produce O2. We have to get with it.



Thanks for being aggressive on this.

TS

--

**Timothy H. Scherman, Chair**

**Associate Professor of English**

Northeastern Illinois University

5500 North St. Louis Avenue, Chicago, IL 60625

Phone: (773)442-5817

[www.neiu.edu](http://www.neiu.edu)

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:47 AM  
**To:** Norwood, Karen  
**Subject:** FW: Comments for November 16 Meeting on Tree Ordinance

Begin forwarded message:

**From:** Anne Treadway <[anne.e.treadway@gmail.com](mailto:anne.e.treadway@gmail.com)>  
**Date:** November 11, 2021 at 3:02:35 PM CST  
**To:** "Kennedy, Gina" <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>, "Dodd, Kathy" <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, "Barrow, Peter" <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** Comments for November 16 Meeting on Tree Ordinance

Dear Trustees Barrow, Dodd, and Kennedy:

This concerns the discussion before your Committee of a more robust tree ordinance, an item scheduled for next Tuesday, November 16.

I have been a Wilmette resident since 1999 and currently live at 935 Elmwood Ave. I am a member of Go Green Wilmette and have, through them, learned about the value of trees to our community. I strongly urge the Committee to move forward with an ordinance that will enhance the protection of Wilmette's trees, especially the larger and older ones, and I endorse the recommendations in a letter from Go Green to your Committee dated October 18.

Trees enhance our Village by reducing flooding, moderating heat, promoting air quality, absorbing CO<sub>2</sub>, mitigating stormwater, and -- as a result -- improving property values. The large tree canopy that shelters much of Wilmette's residential area provides a truly enhanced living space because we all enjoy the shade and other noted benefits.

Moreover, when a large tree is removed, it takes many years to replace it - - and to replace the benefits it brings -- so even if an owner replants a sapling immediately, the noted benefits will not be available for many years. These are all reasons why we should advance a much more aggressive tree protection ordinance that will prevent (except in extreme hardship) the removal of large and/or important trees.

Trees are an important part of our infrastructure and deserve as much attention as our sewer lines, schools, and roads. Please act to protect our trees for future generations.

Very truly yours,

Anne Treadway Arouca  
935 Elmwood Avenue  
847-920-9435

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:28 AM  
**To:** Norwood, Karen  
**Subject:** FW: Wilmette Tree Ordinance

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**From:** Nick Valavanis <[nickvalavanis27@gmail.com](mailto:nickvalavanis27@gmail.com)>  
**Sent:** Thursday, November 11, 2021 5:26 PM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Cc:** Tia Valavanis <[tvalavanis22@gmail.com](mailto:tvalavanis22@gmail.com)>  
**Subject:** Wilmette Tree Ordinance

Good evening.

We were a host for the Sustainable Yard Tour last year. I understand that the Village Land Use Committee is actively reviewing the current tree ordinance.

My wife and I wanted to add our full support for a more robust, stronger tree ordinance.

Go Green Wilmette has pulled together a letter which supports a new ordinance and provides some guidance for the effort, which we fully support.

We also understand the effort you have put into this matter and we thank you for that. We sincerely hope we can continue to move forward and make good choices for the future of Wilmette.

Thank you,

Nick Valavanis  
Tia Valavanis  
350 Brookside Dr

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Monday, November 15, 2021 9:48 AM  
**To:** Norwood, Karen  
**Subject:** FW: Tree Preservation Meeting Comment

See below.

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**From:** Mark Schoenfield <mark.schoenfield@gmail.com>  
**Sent:** Friday, November 12, 2021 4:24 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Cc:** Mark Schoenfield <mark.schoenfield@gmail.com>  
**Subject:** Tree Preservation Meeting Comment

Tree preservation should include prohibition against neighbors etc cutting trees back so far as to injure the tree, as long as the tree is reasonably trimmed by arborist standards and not a danger to persons or structures.

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:29 AM  
**To:** Norwood, Karen  
**Subject:** FW: Tree ordinance

---

**From:** Elizabeth Martin <[liznapiermartin@gmail.com](mailto:liznapiermartin@gmail.com)>  
**Sent:** Friday, November 12, 2021 6:10 AM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Tree ordinance

Dear Trustee Dodd, thank you for the attention that you are giving on the Land Use Committee to the importance of trees in our community. Since I can't attend the meeting on Tuesday night, I'm writing to let you know that as a longtime Wilmette resident, I very much support strengthening the tree ordinance to protect this important part of our community's infrastructure. Beyond the aesthetic beauty of trees, they can help with our climate crisis. I agree with the recommendations of GoGreen Wilmette.

Sincerely,

Elizabeth Martin  
1522 Highland Avenue

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:29 AM  
**To:** Norwood, Karen  
**Subject:** FW: New tree ordinance

---

**From:** Sander Ottes <[sanderadio@icloud.com](mailto:sanderadio@icloud.com)>  
**Sent:** Friday, November 12, 2021 8:33 AM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** New tree ordinance

Dear Village Land Use Committee members,

First of all thank you for all of your hard work for the Village. This is much appreciated. It is my understanding that you will talk about a new tree ordinance for the Village next week. We are all more aware that trees are not just pretty or a luxury item. They are valuable infrastructure, as important as sewers and other utilities. They offer fantastic benefits to the entire community---absorbing stormwater, storing carbon (mitigating climate change), reducing air and noise pollution, and providing cooling shade (reducing energy costs). That's why I support a more robust, stronger tree ordinance.

Thank you very much.

**Sander Ottes**  
Highland Ave - Wilmette

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:29 AM  
**To:** Norwood, Karen  
**Subject:** FW: Wilmette Tree Ordinance needs to be better

---

**From:** Kristin Merk <[kmerk3@gmail.com](mailto:kmerk3@gmail.com)>  
**Sent:** Friday, November 12, 2021 10:53 AM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Wilmette Tree Ordinance needs to be better

Dear Land Use Committee Members- Peter, Kathy and Gina,

I support a more robust tree ordinance in Wilmette. Trees are valuable infrastructure, as important as sewers, roads and other utilities. They offer fantastic benefits to the entire community---absorbing stormwater, storing carbon (mitigating climate change), reducing air and noise pollution, and providing cooling shade (reducing energy costs).

Our neighboring towns (Glenview, Winnetka, Highland Park and others) have much stronger tree ordinances designed to protect individual trees and preserve tree canopy. Thank you for your time and energy behind the important work on this issue that will benefit us for years to come.

Sincerely,  
Kristin Merk  
1201 Chestnut Avenue  
Wilmette

## Norwood, Karen

---

**From:** Comment, Public  
**Sent:** Monday, November 15, 2021 9:48 AM  
**To:** Norwood, Karen  
**Subject:** FW: Tree preservation meeting

See below.

---

**From:** Kemi Jona <kemi.jona@gmail.com>  
**Sent:** Friday, November 12, 2021 7:50 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** Tree preservation meeting

Dear Village Trustees,

I commend your efforts to examine and strengthen the ordinances and practices that preserve and protect our tree canopy - truly a signature feature of Wilmette.

Having reviewed the minutes from prior meetings, I would like to call attention to a critical oversight in those discussions. To date the focus has been almost entirely on the impacts surrounding demolition and new construction. **What has been missing in my view is a serious discussion about how the village will address the growing tree loss due to disease and parasitic insects, particularly as these threats are accelerating due to climate change and extreme weather events.**

While there appear to be pages of ordinances around construction removal and replacement, I see little or no village policy or planning around prevention of disease, establishment of monitoring and data collection for early warning, or investment in public education.

Due to COVID, we have all now come to appreciate the importance of public health experts and policies in preventing the spread of disease and how essential it is that the government and citizens work together. We have also seen how critical establishing a robust data collection system is to monitoring the spread of disease, identifying hot spots, and adapting our response based on this data.

Unfortunately, I have not seen evidence that any lessons from this public health crisis have been applied to the prevention of similar disease spread in our tree canopy. Last October I provided the Forestry department with a list of 20+ mature trees in a 3 block radius of my house that had signs of distress or were dead. This is not inclusive of a half dozen diseased oaks and other trees that were already removed on my block. While not a scientific survey by any means, it made me wonder if this pattern was more widespread across the village.

It turns out that while the village is good at taking down dead trees, there is no system in place for determining why a tree died, if it was diseased, and if so, with whether the disease or insect is likely to be contagious and therefore a threat to nearby trees. While permits are required for removal of trees on private property, this is rarely followed, and even when it is, there is no reporting of "cause of death." We have no idea how many dead or diseased trees are coming down, in what parts of the village, across both public and private property. And this leaves out the likely increase in felled trees due to increasing storm and wind severity. Does the village even know how many trees fall and are removed due to storms year to year?

Essentially the village is flying blind. We have no idea what the scope of the problem is, how serious a threat it is to our canopy, and no way to get out in front of the problem by educating homeowners about disease prevention strategies



(i.e. insecticide treatments like for Dutch Elm, Emerald Ash Borer, etc). Diseases and insects don't really care whether the next tree they infect is on public or private land - we need a comprehensive approach. This is the minimum lesson we should have learned by analogy to how we dealt with the public health emergency of COVID.

Even if it turns out that there is no way to prevent the spread of all diseases or insects impacting our trees, knowing whether the die-off was accelerating year over year should be a critical input into the village's planning and budgeting for replanting and other canopy policies currently being explored. For example, if we had data showing that the chance of a newly planted tree dying of disease before reaching the 10 year mark used in the coverage ordinance was doubling every 10 years, the village might require the planting of twice as many trees to ensure the desired coverage ratio ten years from now. And we might change the requirement for types of trees to be planted based on insights about current and emerging infection rates across tree species.

I urge the trustees to take prevention and education as seriously as removal and replanting during construction in formulating a comprehensive approach to protecting our unique and invaluable tree canopy in Wilmette. Strengthen the data collection and reporting systems so we have better information upon which to make decisions. Provide the Forestry department with the resources needed to step up to the new challenges brought about by climate change - and to shift to a more proactive approach to management rather than simply a reactive one of taking down dead trees.

Look at the whole picture - accelerating storm damage, disease, insects - not just construction impacts. It is admirable that the village seeks to strengthen our tree protection construction ordinances for the few dozens of properties per year that this affects - yet we risk ignoring significant and potentially accelerating impacts on the other 99% of the village canopy across private, village, and park district land.

Respectfully,

Kemi Jona  
730 Laurel Ave

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:30 AM  
**To:** Norwood, Karen  
**Subject:** FW: Go Green

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**From:** Albert Smith <[albert0375@sbcglobal.net](mailto:albert0375@sbcglobal.net)>  
**Sent:** Saturday, November 13, 2021 3:04 PM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Go Green

Dear Ms. Dodd,

I strongly endorse the efforts to save valuable Wilmette trees from those who would eliminate them for commercial or private purposes. The only exception on a limited basis would be to facilitate more affordable housing in our community. It is very sad that so many employees who loyalty serve our businesses and and public facilities cannot afford to live and raise their families here. Surely a commission or unbiased public authority must monitor any exception to a strong tree ordinance but removing a few trees from a viable affordable housing project should not prevent productive families from living and thriving in Wilmette.

Sincerely

Albert Smith  
2138 Iroquois Rd  
Wilmette, IL 60091

[Sent from AT&T Yahoo Mail for iPhone](#)

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:29 AM  
**To:** Norwood, Karen  
**Subject:** FW: Trees

---

**From:** patti computerssoftwaresystem.com <[patti@computerssoftwaresystem.com](mailto:patti@computerssoftwaresystem.com)>  
**Sent:** Saturday, November 13, 2021 7:22 AM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Trees

This is your tree friend and teammate. Please heed the Go Green Wilmette suggestions for a more robust tree ordinance to prevent Wilmette from losing so many valuable trees.

Thank you for your work for the village.

See you soon.

Love Patti

Sent from [Mail](#) for Windows

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:29 AM  
**To:** Norwood, Karen  
**Subject:** FW: Land Use Committee Meeting

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**From:** Jennifer E Gervasio <[jengervasio@comcast.net](mailto:jengervasio@comcast.net)>  
**Sent:** Saturday, November 13, 2021 7:36 AM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** Land Use Committee Meeting

Dear Village Trustees,

As a 19-year resident of Wilmette I am writing to urge you to strengthen our vitally important tree ordinance. The beautiful, old growth trees are one of the main reasons we chose to move to Wilmette. They give our neighborhood character and beauty, plus countless other benefits to our environment including improving air quality, reducing heating costs, providing habit for wildlife and reducing our carbon footprint.

Please do all you can to protect old growth trees, as well as increasing the tree canopy requirement for builders who tear down our trees with impunity, only to slap up new construction homes for tremendous personal profit. Encouraging the planting and protection of trees is the most tangible thing we can do as a community to stave off climate change.

Thanks so much for your service to Wilmette and its trees!

Jennifer Gervasio

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:30 AM  
**To:** Norwood, Karen  
**Subject:** FW: tree ordinance

---

**From:** Jon Marshall <[jhmwriter@gmail.com](mailto:jhmwriter@gmail.com)>  
**Sent:** Saturday, November 13, 2021 7:45 PM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** tree ordinance

Dear Kathy, Gina, and Peter,  
I'm pleased to learn that the Land Use Committee is reviewing the village's tree ordinance. I support a stronger ordinance that will protect the valuable resource of Wilmette's native trees. I hope you do too.

Thank you as always for your volunteer service to the village.

Sincerely,  
Jon

--

Jon Marshall  
(847) 846-1677 - cell  
[jhmwriter@gmail.com](mailto:jhmwriter@gmail.com)  
Twitter: @MarshallReport

My book, Watergate's Legacy and the Press: The Investigative Impulse, is now available from [Northwestern University Press](#), [amazon.com](https://www.amazon.com), and other online booksellers

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:29 AM  
**To:** Norwood, Karen  
**Subject:** FW: Improved Tree Ordinance

---

**From:** Bruce Davidson <[bruced123@icloud.com](mailto:bruced123@icloud.com)>  
**Sent:** Saturday, November 13, 2021 7:57 AM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Improved Tree Ordinance

Dear Trustees Barrow, Dodd and Kennedy,  
As residents of Wilmette, we strongly support a robust tree ordinance that's more consistent with the ordinances of our forward-thinking neighboring communities.  
We've observed a number of tear-down/rebuilds where large trees are removed so that a maximum square footage building can be constructed. This process is not consistent with the recently adopted Sustainability Plan or with the goal of increasing Wilmette's housing variety and affordability.  
We've also observed trees that were provided protection but died two years after construction was completed. The ordinance system needs to require a strong and enduring financial investment by the builder and owner for preserving trees on the property and in the adjacent public spaces.  
Wilmette's trees are going to be stressed by the changing climate – we need to give them all the care and protection we can.  
Thank you for your consideration – and for your service to Wilmette.

Sincerely,

Bruce & Laurie Davidson  
123 17th St

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:30 AM  
**To:** Norwood, Karen  
**Subject:** FW: TREES

---

**From:** Betsy Banks <[betsybanks1@gmail.com](mailto:betsybanks1@gmail.com)>  
**Sent:** Saturday, November 13, 2021 7:59 AM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** TREES

Dear Kathy, Peter and Gina,

Thank you for serving on the Village Land Use Committee. We moved to Wilmette in 1984. The beauty of the trees was a big part of our decision. Over the years, we have watched trees sacrificed for new home development. We are strongly in favor of a more robust, stronger tree ordinance. Thank you for your efforts to make this happen.

Sincerely,

Betsy and Bill Banks

1217 Maple Avenue  
Wilmette, IL 60091  
847 867-4092  
[betsybanks1@gmail.com](mailto:betsybanks1@gmail.com)

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:30 AM  
**To:** Norwood, Karen  
**Subject:** FW: Tree ordinance

---

**From:** Daniel Gingrich <[danghorn@aol.com](mailto:danghorn@aol.com)>  
**Sent:** Saturday, November 13, 2021 9:36 AM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Tree ordinance

Dear Ms. Dodd,

I am hoping that you will help strengthen Wilmette's tree ordinance. Thank you!

Dan Gingrich  
509 Linden

Sent from my iPhone



## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:30 AM  
**To:** Norwood, Karen  
**Subject:** FW: Stronger Tree Ordinance

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**From:** Pat Grady <[pkgrady@me.com](mailto:pkgrady@me.com)>  
**Sent:** Saturday, November 13, 2021 12:33 PM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Stronger Tree Ordinance

Hello, I live in Hunter Hill (2123 Iroquois Road). We purchased our house in 1979. It was constructed in 1975 with 50 other new homes. It is part of the old Mallinckrodt Orchard which was sold off by the Sisters of Christain Charity. Jacobson, the developer, dug basements and traumatized the roots of old trees in the process. Scores did not survive even a few years. He was "trying" to preserve the trees. Any digging near trees puts them at risk. I strongly support any ordinance you can create to vigorously preserve and protect the trees in our Village. I suggest that if a tree is removed for construction purposes the contractor must replace with two trees. I also support a higher fee for any tree being removed for construction. I will be unable to attend your meeting but wish to endorse all efforts to plant new trees and preserve existing ones. I also think a marketing campaign to encourage families/friends to plant a tree in honor of a loved one would increase the general public awareness. For instance, coordinating efforts with school art teachers for their students to create posters which can be placed in community spaces. Perhaps Scouts, youth organizations could take on awareness projects. The Wilmette Library could become involved in a series of early childhood/youth/adult projects related to trees. Increasing the awareness of the young is essential. Pat Grady

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:31 AM  
**To:** Norwood, Karen  
**Subject:** FW: Tree ordinance

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**From:** tom palmer <[tomkpalmer@gmail.com](mailto:tomkpalmer@gmail.com)>  
**Sent:** Sunday, November 14, 2021 8:03 AM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Tree ordinance

Good morning,

I'm writing in support of Go Green Wilmette's recommendations to strengthen the village tree ordinance. Trees are essential to the character of the village. We benefit individually, and more importantly to zoning ordinances, we benefit collectively from a robust tree cover: beauty, wildlife habitat, air quality, water retention, temperature regulation, etc.

Of course we have to balance competing needs for construction & renovation, but any reduction in the village's wonderful and established tree population is a loss for all of us.

I strongly encourage a much stronger approach in the public good along with the creative use to penalties and incentives (eg penalties to remove such as a fee at least equal to if not greater than the comparable carbon offset fees one might pay to put the equivalent amount of CO2 out of a smokestack).

Many thanks,  
Tom Palmer  
1335 Gregory Ave

Sent from my iPhone

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:31 AM  
**To:** Norwood, Karen  
**Subject:** FW: The necessity of Trees

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**From:** Thedudz <[thedudz@aol.com](mailto:thedudz@aol.com)>  
**Sent:** Sunday, November 14, 2021 9:42 AM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** The necessity of Trees

Dear Kathy,

Please give very serious consideration to the subject of tree conservation. We've had 2 neighbors, one of whom cut down a gorgeous birch tree because there were too many leaves and another who just didn't want to rake any more. These are not reasons for cutting down a tree. Nor is demolishing any tree because of building a new, huge home.

We've lived in Wilmette for over 40 years and have noticed a trend: anything goes for a permit. Historic houses do not exist in this village. Anything can be changed as soon as someone moves in. In other neighboring villages, there are more rigorous laws and a time limit.

Not sure if you've read any of the extraordinary books or listened to Ted Talks about trees and how they communicate with each other, but just being aware of Climate Change should make you a tree hugger!

Please keep our trees safe from irresponsible laws that have been in place for no good reason, like the tree ordinance in 2007. There is no room for this kind of thinking in 2021.

Thank you,

David S. Dudzinski  
Francine G. Dudzinski

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:26 AM  
**To:** Norwood, Karen  
**Subject:** FW: Please support a more robust, stronger tree ordinance

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**From:** Dodd, Kathy <doddk@wilmette.com>  
**Sent:** Sunday, November 14, 2021 11:13 PM  
**To:** Braiman, Michael <braimanm@wilmette.com>  
**Subject:** Fwd: Please support a more robust, stronger tree ordinance

Sent from my iPhone

Begin forwarded message:

**From:** Dale Davison <[dale@dale-davison.com](mailto:dale@dale-davison.com)>  
**Date:** November 14, 2021 at 9:05:15 PM CST  
**To:** "Barrow, Peter" <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, "Dodd, Kathy" <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, "Kennedy, Gina" <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Please support a more robust, stronger tree ordinance

and ...

thank you for your time and energy you devote for our village.

With kind regards,  
Dale

*Dale Davison*  
(she, her) M.Ed., PCC, BCC  
ICF [Professional Certified Coach](#), Board Certified Coach  
ADHD/Executive Functioning  
[www.dale-davison.com](http://www.dale-davison.com)  
Ph. 847-920-8076

WebMD Contributor - Workplace Issues with ADHD  
American Academy of Pediatrics 2019 Guidelines Committee  
[CHADD.org](http://CHADD.org)

*Email is an inherently insecure form of communication - think of it as an electronic postcard. Please consider carefully how much personal information you want to reveal.*

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 9:31 AM  
**To:** Norwood, Karen  
**Subject:** FW: Fwd: Wilmette Trees  
**Attachments:** We sent you safe versions of your files; Need for balance in land use decisions for Wilmette\_rev Nov 21.pdf

Please include attachment

---

**From:** Norm Ryan <[nsryan@sbcglobal.net](mailto:nsryan@sbcglobal.net)>  
**Sent:** Sunday, November 14, 2021 12:24 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Braiman, Michael <[braimanm@wilmette.com](mailto:braimanm@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Cc:** Norm Ryan <[nsryan@sbcglobal.net](mailto:nsryan@sbcglobal.net)>  
**Subject:** Fwd: Fwd: Wilmette Trees

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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I'm forwarding these notes to you as members of the Land Use Committee. The attached document is a compilation of ideas and comments by villagers of Wilmette collected over the past year. They range at times beyond strictly relating to trees as many issues with trees have substantial downstream effects in other areas, most notably new construction in our community. Please consider them during your deliberations. We strongly endorse the development of a more robust tree ordinance.

It certainly turns out that the tree issues bring a lot of different interests into play. It's going to take some over-arching leadership to make the new ordinance changes work out with the least dissatisfaction on balance. I'm sure short-term interests will be stated most loudly and compellingly but I seriously believe this is a time when longer-term interests, as expressed by villagers in the document, need to be given more substantial weight than is usually the case. Thanks. Good luck with these negotiations.

Unfortunately I am unable to attend the Tuesday meeting in person. I would note that it would be appropriate to have a remote option for meeting attendance during a pandemic.

Thank you.

Norm Ryan  
706 Laurel Avenue  
Wilmette  
[nsryan@sbcglobal.net](mailto:nsryan@sbcglobal.net)

----- Forwarded Message -----

**Subject:** Re: Wilmette Trees  
**Date:** Wed, 10 Nov 2021 17:51:47 -0600  
**From:** Norm Ryan <[nsryan@sbcglobal.net](mailto:nsryan@sbcglobal.net)>  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**CC:** Norm Ryan <[nsryan@sbcglobal.net](mailto:nsryan@sbcglobal.net)>

Hi Peter

I may be able to make the next meeting of Land Use committee next week, but wanted in the meantime to re-send to the committee some of the points made by my neighbors regarding the issue of the tree ordinances, which cannot be entirely separated from new housing issues in the Village. The comments are very much woven into the issues surrounding new construction in the Village. Some are my comments, but most comments and ideas are the result of discussion with thoughtful neighbors and friends in Wilmette.

I think the community is very interested in and very much behind positive revisions to the tree ordinance in Wilmette. I do think there is some element of pandemic fatigue which may dampen the energy to speak out. However, I think it would be misguided to believe that people have not always cared and still now care deeply about the Wilmette community. Well constructed, future-planning decisions made now on land use are absolutely necessary for the benefit of livability and economic vibrancy of our community.

Please see the attached document.

Thanks.

Norm Ryan  
706 Laurel Ave  
Wilmette, IL

P.S. I believe a remote option for attendance at Village meetings continues to be needed during this pandemic.

## Need for balance in land use decisions for Wilmette

- No one disagrees that refreshing of residential housing stock is sometimes needed in Wilmette.
- No one is against new construction if done in balance with the neighborhoods.
- Residents of Wilmette need to be part of the process for deciding on new construction in their neighborhoods.
- Many new construction projects are overly large, undistinguished and discordant with the character of the neighborhoods within which they are built. In general, there is a trend toward reduction of the valuable tree canopy of our community.
- Future planning for the community requires comprehensive review of guidelines for the built environment including both business and residential construction

### Current construction patterns often result in:

1. Buildings which are sized out of proportion compared to the neighborhood in which they are built.
2. Buildings that take up larger than desirable space on the lots, which combined with non-porous hardscape in remaining grass areas, reduce overall absorbent area such that village water control is diminished. This decreases the cost-effectiveness of the millions of tax dollars now being spent on water control for Wilmette.

This type of construction effectively creates the need for future expenditures to mitigate these negative effects.

3. Buildings of such size that they can result in significant reduction in outdoor play space for children since lots are full of housing hard space. This leads children to play in drive ways and alleys, not an ideal situation in a suburban area with many children.
4. Buildings which by virtue of their proximity to adjacent houses are consciously built with awareness of the reduction in privacy for both the new construction and the neighboring houses. Such lack of privacy is seen in over-built urban areas but not generally considered desirable in suburban areas. Future planning which doesn't consider this will foster this unwelcome development.
5. Buildings which are built 10 feet from neighboring structures.
  - a. Such proximity precludes large plantings – Trees—between the houses, effectively eliminating or limiting the opportunity for enhanced or even maintenance of canopy and visual privacy on the property.
  - b. Houses that are allowed to be 5 feet from property line but with pipes and window wells sticking beyond 5 feet aggravate the situation.
  - c. In addition 10 foot separation of structures is said to be a very minimum standard for fire protection, yet our ordinances do not appear to address separation distance between structures, but rather only distance from property lines.
6. Possible buildings which bring increased tax revenue. The Village Board suggests that impetus for allowing the building of out-of-proportion sized houses is not primarily based

on need for increased tax revenues. If not currently the case, new construction owners should be required to pay taxes on the new construction's estimated value at the time of finalization of construction and not, for prolonged time, on previous, likely lower taxes on housing which has been removed.

### Current ordinances

- There is a current ordinance relating to tree canopy coverage on new construction. At the same time as giving parameters for canopy coverage, this ordinance rewards destruction of trees on new construction property by allowing tax-payer owned parkway trees to largely satisfy the requirements of the ordinance. This public subsidy of private construction has negative consequences for neighborhoods. Also there are said to be no rules stating that newly planted saplings on new construction property must be reasonably maintained for 20 or more years as replacement for those destroyed. \$39 saplings from Home Depot do not now maintain the canopy of large, mature trees removed and are not likely to do so in the future of our neighborhoods.
- Ordinances are geared toward thinking of lot size vs. construction size rather than neighborhood, village character, and future. If such construction parameters were to continue and to become widespread and normal for this community they would change the look and feel of our neighborhoods. Future planning is needed now for the benefit of livability and economic vibrancy of our community.

### Suggestions:

1. Require any plans for a house proposed to be built which will be more than 1.5x the size of a demolished property to be subject to open public review with sufficient notice to and involvement of neighboring residents of Wilmette
2. Review any new ordinances for appropriateness regarding setbacks from all property lines as well as height restrictions on new properties. Existing setbacks for all sides as well as height restrictions to be re-reviewed with an eye toward privacy of others, overall size of project, shadowing by over-large housing of neighboring properties, ability to repair canopy lost if trees are removed, etc.
3. Require appropriate lawn or garden space to be a larger percentage of property compared to present. Require properties to have enough unconstructed space to allow outdoor activity on unconstructed ground. All to be viewed with an eye toward appropriateness for children as well as water management effectiveness in the larger context of the village's needs and expenditures.
4. Review tree canopy requirements for new construction and disallow use of publically owned trees to satisfy these requirements. If trees on neighboring property are used to satisfy tree ordinance for construction site, then disallow removal of construction site trees which give canopy shade to those neighboring properties.
5. Hire and give additional authority to capable tree specialists who can evaluate tree canopy at the neighborhood, community level and make recommendations at



appropriate points of decision making about changes in that canopy. There has been a willingness now to allow the prediction of the canopy of newly planted, tiny, new growth saplings to satisfy housing ordinances, therefore allow qualified experts to make predictions about upcoming losses of all tree canopy in the village neighborhoods and factor that into decision making about any further tree removals in the village, including on new construction areas.

6. Hire experienced urban/suburban planners for advice on land use in Wilmette.

**Discussion:**

If villagers are not seeking and do not want such large and undistinguished construction in their neighborhoods and it causes issues with water management, reduces play space for children, reduces tree canopy, reduces privacy and negatively alters the character of our community, whom or what are these ordinances written to support?

Ordinances currently exist which restrict what types of residential construction may occur, e.g. no tattoo parlors, Walgreens outlets, hotels etc. in residential space. There are even some existing, though seemingly inadequate, size restrictions on properties in residential space now. This proves that ordinances may be enacted for the likely good of the community, allowing new and better ones to be enacted now.

We need review of existing ordinances and extra care in structure of new ordinances so they will all be more in service to the community than they currently are.

As said, future planning is needed now for the benefit of livability and economic vibrancy of our community.



**Meeting Date:** November 16, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager

**Subject:** Additional Agenda Material #2

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The following material is enclosed as additional agenda material for the November 16, 2021 Land Use Committee meeting regarding tree preservation policy:

1. Resident Emails

*Emails received through Monday, November 15 at 4:00pm are attached.*

**From:** [bkorin@uchicago.edu](mailto:bkorin@uchicago.edu)  
**To:** [Kennedy, Gina](#); [Braiman, Michael](#); [Dodd, Kathy](#)  
**Subject:** tree ordinance meeting11/16/2021  
**Date:** Monday, November 15, 2021 3:56:46 PM

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Dear Members of the Land Use Committee:

I am writing to express my strong support of a stricter tree ordinance in our village. Not only do our trees add greatly to the beauty and character of Wilmette but they are also of great benefit to our environment.

I have been disheartened to hear and see first hand how casually the village currently allows contractors to destroy mature, healthy trees just so they can build ever larger houses and remove ever more green space from the community.

We are losing trees here at an alarming rate to disease and climate stress. Then, when healthy trees are allowed to be removed, the village pretends that replacing them with \$35.00 saplings is an adequate trade-off. This is ridiculous, and you must all know it.

Sincerely,

Brae Korin  
706 Laurel Avenue.

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## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:55 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Tree ordinance

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:50:11 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Tree ordinance

Sent from my iPad

Begin forwarded message:

**From:** Joanne Anderson <joannetand@aol.com>  
**Date:** November 15, 2021 at 2:30:39 PM CST  
**To:** "Kennedy, Gina" <kennedyg@wilmette.com>, "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>  
**Subject:** Tree ordinance

I strongly support a more robust tree ordinance in the Village. I hope you will too!

Joanne Anderson  
1340 Elmwood Ave  
Wilmette

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:53 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: stronger Tree ordinance

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:51:34 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: stronger Tree ordinance

Sent from my iPad

Begin forwarded message:

**From:** Bill <billncele@comcast.net>  
**Date:** November 15, 2021 at 11:19:30 AM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Cc:** info@wilmetteparkfriends.org  
**Subject:** stronger Tree ordinance

Dear Commissioners,

My wife, Cele and I have lived in Wilmette for 46 years. We value and appreciate the number and maturity of trees throughout our community. We encourage you to update the village tree ordinance to both enforce the maintenance of our present tree population but also to enhance the preservation and planting of trees in our village in the future. It's time that we weigh "progress/development" in our village against the real needs of our environment, both local and global. Trees are an integral and important part of that environment.

Thank you for your attention to our request,  
Bill and Cele Arnold  
751 Michigan ave.

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:53 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Protect Our Trees

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:51:41 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Protect Our Trees

Sent from my iPad

Begin forwarded message:

**From:** Laurie Goldstein <laurgold@gmail.com>  
**Date:** November 15, 2021 at 10:45:05 AM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Protect Our Trees

Trustee Barrow, Trustee Dodd and Trustee Kennedy,

Thank you for your service to our community and for serving on the Land Use Committee. I understand that you will be considering Wilmette's tree ordinance and possibly recommending changes. I strongly encourage Wilmette to adopt a stronger ordinance that protects our tree canopy. Our trees are vital to our community and I hope that the Land Use Committee will see their value and recommend changes to preserve and protect this critical community resource.

Thank you,  
Laurie Goldstein  
Wilmette, IL

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:53 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Please protect our trees!

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:50:39 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Please protect our trees!

Sent from my iPad

Begin forwarded message:

**From:** Katie Hauser <katie.hauser@compass.com>  
**Date:** November 15, 2021 at 1:45:51 PM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Please protect our trees!

Hi Peter, Kathy and Gina

I am unable to attend the meeting tonight, but I want you to know I support a more robust tree ordinance. I am a 22 year resident of Wilmette and our beautiful trees are one of the things that make Wilmette special. I have also been selling residential real estate in Wilmette for almost 8 years, and the beauty of our tree lined streets is commented on by buyers and current residents. If you haven't already, you should read "The Overstory" by Richard Powers, about trees. You will never look at a tree the same again, and you certainly will feel an urgency to preserve the trees we have.

Best,

Katie Hauser

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**Katie Hauser**  
Broker Associate

851 Spruce St  
Winnetka IL 60093  
m: 847.212.5214

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:53 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Wilmette Tree Ordinance

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:50:47 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Wilmette Tree Ordinance

Sent from my iPad

Begin forwarded message:

**From:** Jenny Higgins <higgfam@msn.com>  
**Date:** November 15, 2021 at 1:38:19 PM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Wilmette Tree Ordinance

Hello Land Use Committee,  
I plan to attend the meeting tonight because a strongly support a more protective Tree Ordinance for Wilmette.  
Wilmette's trees are a treasure to our community and our local ecosystem.  
Thanks for your consideration!  
Jenny Higgins  
1026 Ashland Ave



## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:54 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Land Use Committee Meeting

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:50:33 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Land Use Committee Meeting

Sent from my iPad

Begin forwarded message:

**From:** Joe Higgins <jsphiggins@gmail.com>  
**Date:** November 15, 2021 at 1:55:26 PM CST  
**To:** "Dodd, Kathy" <doddk@wilmette.com>, "Barrow, Peter" <barrowp@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Land Use Committee Meeting

Hi Kathy, Gina and Peter -

Thanks for hosting the Land use Committee Meeting tomorrow night. Unfortunately, I will be unable to make it - but my wife, Jenny Higgins will be there to rep us both!

While I believe in 'land rights ownership' - everything within reason. Our current ordinance holds no rationale, nor does it fully contemplate the downside it creates communally. Hence, I fully support that this ordinance be fully examined and compared to what neighboring Glenview, Winnetka and Highland Park currently have. We are at a critical time to update this 2007 ordinance and course correct for the next generation.

Thanks for your work - fully appreciate it.

Joe Higgins

- \* Grew up in Wilmette under a beautiful canopy of trees -- long ago
- \* Moved back with my family in 2000!

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:53 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Tree Ordinance

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:51:04 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Tree Ordinance

Sent from my iPad

Begin forwarded message:

**From:** Celene Peurye-Hissong <celeneph@comcast.net>  
**Date:** November 15, 2021 at 1:26:04 PM CST  
**To:** "Dodd, Kathy" <doddk@wilmette.com>, "Barrow, Peter" <barrowp@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Tree Ordinance

Dear Village Trustees Dodd, Barrow, and Kennedy,  
We are writing to urge you to strengthen the Village Tree Ordinance to protect and enhance our lovely trees. It is one of the most important aspects that make Wilmette special. The beauty of our tree was on full display this Spring, Summer and Fall.  
It is imperative that these trees not be sacrificed for development and the developers' expediency and profit.  
We often walk around in neighboring Northbrook where block after block there are far fewer trees and no shade in the summer where homes were torn down and replaced by large, newer houses. Family members who live there and visit us have remarked about the wonderful trees here and asked why we have so many. I explained that it is a long tradition in Wilmette, and in the past the Village has won awards for tree conservation and care. We must not let that slip away. We know that the trees serve purposes far beyond the aesthetic, but also keep our homes, streets and parks cooler and keep our air cleaner.  
Please strengthen our tree ordinance and keep Wilmette a leader in this important endeavor.  
Sincerely,



## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:55 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Land Use - Tree Ordinance

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:50:06 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Land Use - Tree Ordinance

Sent from my iPad

Begin forwarded message:

**From:** Cameron Krueger <cam@kruegers.com>  
**Date:** November 15, 2021 at 2:39:41 PM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Land Use - Tree Ordinance

Trustees Barrow, Dodd and Kennedy

I have read with significant fascination the minutes of the last of the last Land Use committee. Clearly the Village knows a lot about our trees, canopy, variety of tree stock, etc. I have actually had an opportunity meet, quite recently, with a Village Forester and was impressed with the knowledge and insight.

When I finished reading the minutes, I failed to find the "problem statement". What are we trying to solve for? When the Village put in the modest fee for a tree removal permit in 2006/2007 it was to put in a process to ascertain exactly how much deforestation was occurring. Fifteen years later I think the answer is "none". The data is imperfect but it's not significantly imperfect.

The table on page 18 of the current committee packet fails to make the case that our system is broken.

- The first row asks "Are unnecessary removals minimized?" Answer is "No". But the comment says the question is "difficult to answer".
- The second row asks "Are tree replacements sufficient?" Answer is "No". The details says that for "...2019, of the 26 projects reviewed for canopy coverage,

43 more trees were removed than planted with a net a loss of 1,264" DBH" Is 1,264" of DBH meaningful relative to the Village wise total DBH? This is a rounding error at best relative to out village-wide canopy coverage.

- Row three asks if the policy is easy to understand. Seems really easy to understand to me but this is subjective.
- Four asks about enforceability and we are hiring in 2022 another Forrester and Code Enforcement Officer.

The table is a poor summary, in my opinion. My position is supported if you read the section at the bottom page 18 where it explains that 14 of the 26 projects already met the canopy coverage. Is it possible that the policy works, but that we don't like the canopy coverage number?

I'm interested in hearing more because I have not heard that we have a problem that is material enough to interfere with property owner's rights to quiet enjoyment of their property. Nor do I hear anything that justifies putting unreasonable economic burdens on our neighbors. (Winnetka's \$15,000 fee for removing three trees is preposterous as is the prohibition of removal of certain tree species.) These actions, over-sized economic penalties or an prohibition of tree removal on private property, simply puts an unjustified burden on the homeowner and should not be supported.

We have a method of tracking our canopy. We have reasonable provisions to ensure replacement of removed canopy.

Good luck at the meeting Tuesday and thank you for all you do for the Village

Cam

**Cameron Krueger**  
[Cam@Kruegers.com](mailto:Cam@Kruegers.com)

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:53 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Tree Ordinance

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:51:10 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Tree Ordinance

Sent from my iPad

Begin forwarded message:

**From:** Elizabeth Seager <eseager@sbcglobal.net>  
**Date:** November 15, 2021 at 12:59:37 PM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Tree Ordinance

Unfortunately, I am unable to attend tomorrow's Land Use Committee Meeting as I must attend the Library Board meeting. Therefore, **I am writing to express my support for a Village tree ordinance to reinforce the Village's sustainability efforts.**

Trees provide all sorts of benefits to Wilmette residents, ecological and financial, and the Village and all residents have a vested interest in maintaining our tree canopy. I believe limits should be placed on property owners' ability to remove trees from their property, and when trees are removed, there should be a minimum replacement requirement. I also believe the ordinance should require property owners to remove dead or untreatable, sick trees from their property out of safety concerns. Unfortunately, fees and fines should not be the sole solution to this issue, as too many homeowners and developers in our Village have the financial capacity to pay without question.

An older neighbor up the street from me was questioned about why he wanted to remove a large tree from his front yard. He responded that he no longer wanted/had the capacity to rake leaves in the fall. Although I fully appreciate his issue, he did have alternatives, and removing the tree didn't alleviate his problem as leaves from trees on neighboring properties fall on his property. For example,

he could have hired someone through the Village's will work program. This probably would have been less costly over the remaining time he has in his home than the cost of cutting down and removing the large tree. He got his permit with no questions asked from the Village.

I believe tree removal should only be the last option available to homeowners, who should be required to take all reasonable steps to find other solutions to their desired outcomes.

Thank you for taking the time to consider and act upon this important issue for our Village.

Liz Seager  
400 17th Street  
Wilmette, IL

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:54 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Land Use Committee Meeting

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:50:23 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Land Use Committee Meeting

Sent from my iPad

Begin forwarded message:

**From:** Debbie Shepherd <debbieshep@me.com>  
**Date:** November 15, 2021 at 2:19:02 PM CST  
**To:** "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>, "Barrow, Peter" <barrowp@wilmette.com>  
**Cc:** Steve Shepherd <steve.shepherd@sap.com>  
**Subject:** Land Use Committee Meeting

Hello -

We cannot attend the Land Use Committee meeting this week, but as long time Wilmette residents, Steve and I wanted to pass along that we value our trees and support ordinances that protect our trees!

Thank you -  
Steve and Debbie Shepherd  
616 Isabella Street



## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:53 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Tree ordinances

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:51:21 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Tree ordinances

Sent from my iPad

Begin forwarded message:

**From:** David Terman <dmterman@comcast.net>  
**Date:** November 15, 2021 at 12:54:33 PM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Tree ordinances

Dear Trustees,

I understand that a discussion of the possible new ordinance for tress will be discussed at meeting on November 16th. I want to add my voice to others who favor much stricter rules about tree removal in an effort to protect our tree canopy. I think it is vital for our environment and for the beauty of our community. Please vote in favor of these ordinances.

With best wishes,

David Terman  
1420 Sheridan  
Wilmette

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Monday, November 15, 2021 2:54 PM  
**To:** Norwood, Karen  
**Subject:** Fwd: Land Use Mtg 11/16

Sent from my iPhone

Begin forwarded message:

**From:** "Dodd, Kathy" <doddk@wilmette.com>  
**Date:** November 15, 2021 at 2:50:17 PM CST  
**To:** "Braiman, Michael" <braimanm@wilmette.com>  
**Subject:** Fwd: Land Use Mtg 11/16

Sent from my iPad

Begin forwarded message:

**From:** anita3615@aol.com  
**Date:** November 15, 2021 at 2:25:11 PM CST  
**To:** "Barrow, Peter" <barrowp@wilmette.com>, "Dodd, Kathy" <doddk@wilmette.com>, "Kennedy, Gina" <kennedyg@wilmette.com>  
**Subject:** Land Use Mtg 11/16  
**Reply-To:** anita3615@aol.com

Greetings Committee Members,

I hope that this message can be included in the public commentary for tomorrow's meeting.

On behalf of my family, neighbors and friends, I would like to submit my full support for a stronger tree ordinance in Wilmette. I realize that the majority of our tree canopy is on private property, which can be difficult to monitor and enforce. However, in particular, I have witnessed far too many builders come in and clear cut the lots. I have often asked myself, how can the village allow this? I grew up here, and then returned 17 years ago to raise my children here. We are losing so many old growth, mature, healthy, native trees it saddens me and my family. Not to mention, it creates a massive loss of habitat for migrating and resident birds.

I don't have the answers as to how we can make our tree ordinance more robust, but I know it can be improved to support large natives in particular. Please do all that you can to protect and preserve Wilmette's trees/canopy!

Thank you for your consideration,  
Annie Wolter  
420 Park Ave. Wilmette



**Meeting Date:** November 16, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager

**Subject:** Additional Agenda Material #3

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The following material is enclosed as additional agenda material for the November 16, 2021 Land Use Committee meeting regarding tree preservation policy:

1. Resident Emails

*Emails received through Tuesday, November 16 at 12:00pm are attached.*

**From:** [Kemi Jona](#)  
**To:** [Kennedy, Gina](#); [Braiman, Michael](#); [Dodd, Kathy](#); [Barrow, Peter](#); [Norm Ryan](#)  
**Subject:** Tree suggestions  
**Date:** Tuesday, November 16, 2021 11:54:02 AM

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Dear Trustees,

I shared some thoughts via email to the public comment email and with Peter. In an effort to provide the committee with concrete ideas that can serve as strawmen or starting points for further elaboration and discussion, I wanted to offer the following. Unfortunately I am traveling and not able to attend the meeting today.

1. Count every tree that comes down by natural or man made causes on private and public land and attach a diagnosis code. Removal permits required and enforced. If we can provide an app for reporting potholes we can do the same for trees. We need this data.
2. Additional removal permit revenue funds used to enhance forestry dept staff and tools (GIS image.s etc) including enhanced education and regional town collaborations.
3. Try to double parkway tree planting. Incentivize planting on private property by matching every parkway tree with private property planting.
4. Trees that are taken down on private property are replaced 2:1 inch for inch basis. Parkway trees do not count in calculations. Or use a carbon calculator like <https://treeplantation.com/tree-carbon-calculator.html> to identify appropriate replacement ratio. A young sapling does not replace the shade of a mature tree brought down due to construction, and that causes direct cooling cost increases on neighbors that is not accounted for by current policy. There is also evidence that older trees capture more carbon than young ones so a 1:1 ratio isn't sensible or grounded in science.

I hope these are constructive additions to the deliberations.

Regards,

Kemi Jona  
730 Laurel Ave

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 9:22 AM  
**To:** Norwood, Karen  
**Subject:** FW: Wilmette - Stand Up for the TREES!

---

**From:** Katie Arnold <[katiea123@gmail.com](mailto:katiea123@gmail.com)>  
**Sent:** Monday, November 15, 2021 7:46 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Kate Gjaja <[kategjaja@comcast.net](mailto:kategjaja@comcast.net)>  
**Subject:** Wilmette - Stand Up for the TREES!

Trustees Kennedy, Didd and Barrow:

Thank you for your service on the Village Board and on the Land Use Committee.

I will be unable to attend Tuesday's meeting to show my support for amending the Village's current tree ordinance. I hope you will also support amending the ordinance to **provide more robust protection for both individual trees and the overall canopy**. Doing so would bring Wilmette more in line with our neighboring communities on the North Shore. Protecting trees is good for the Village water management infrastructure, the environment, and our property values because they are part of what makes Wilmette a beautiful and special community.

Thank you for your time and consideration.

Best,  
Katie Arnold  
1136 Chestnut Ave  
Wilmette IL  
M - 408-805-0520

--

**SPRIG**<sup>™</sup>

**Katie Arnold** | Founder and CEO

[katie@sprigconsulting.com](mailto:katie@sprigconsulting.com)  
408.805.0520  
[sprigconsulting.com](http://sprigconsulting.com)



## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 9:22 AM  
**To:** Norwood, Karen  
**Subject:** FW: Trees

---

**From:** Susan Crist <[cristsb12@gmail.com](mailto:cristsb12@gmail.com)>  
**Sent:** Monday, November 15, 2021 5:10 PM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Trees

Dear Trustee Dodd:

Since 1973, we have lived in Wilmette at the same location on which we replaced the original house in 2002. Trees are an important part of life in this village, and we support programs to protect, preserve and augment them. Trees help reduce carbon dioxide levels and cooling costs in these times of increasing environmental stress.

We encourage you and your fellow Trustees to strengthen Wilmette's tree ordinances.

Buckley and Susan Crist  
1216 Colgate Street

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 9:22 AM  
**To:** Norwood, Karen  
**Subject:** FW: Now Is The Time to Stand Up For Trees!

---

**From:** SUSAN GALLAGHER <[sfgallagher@mac.com](mailto:sfgallagher@mac.com)>  
**Sent:** Monday, November 15, 2021 6:26 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Cc:** Kate Gjaja <[kategjaja@comcast.net](mailto:kategjaja@comcast.net)>  
**Subject:** Now Is The Time to Stand Up For Trees!

Trustees Kennedy, Didd and Barrow:

Thank you for your service on the Village Board and on the Land Use Committee.

I will be out of town and unable to attend Tuesday's meeting to show my support for amending the Village's current tree ordinance. I hope that you will also support amending the ordinance to provide more robust protection both individual trees and the overall canopy. Doing so would bring Wilmette more in line with our neighboring communities on the North Shore. Protecting trees is good for the Village water management infrastructure, the environment, and our property values because they are part of makes Wilmette a beautiful and special community.

Thank you for your time and consideration.

Yours,

Susan Gallagher  
1137 Greenwood Ave.  
Wilmette IL 60091  
(M) 847-951-6885  
[sfgallagher@mac.com](mailto:sfgallagher@mac.com)

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 9:20 AM  
**To:** Norwood, Karen  
**Subject:** FW: Land Use Committee -- Tree Ordinance Improvement

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**From:** Charles Harper <solestus@gmail.com>  
**Sent:** Tuesday, November 16, 2021 8:45 AM  
**To:** Barrow, Peter <barrowp@wilmette.com>; Dodd, Kathy <doddk@wilmette.com>; Kennedy, Gina <kennedyg@wilmette.com>  
**Cc:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** Land Use Committee -- Tree Ordinance Improvement

Dear Land Use Committee Members,

I write to whole-heartedly support improvements to the Wilmette Tree Ordinance to protect the trees of Wilmette. Having watched the illegal removal of multiple protected trees from the lot across the alley from my home last year, I can attest to the harmful impact that such tree removal can have on our community.

I would also ask that the Village step up its enforcement of existing ordinances to prevent the illegal removal of trees by developers for new home construction. I urge the Trustees to do what is necessary to enable our Village staff to conduct inspections and enforce existing (and future) ordinances.

Last year, at least five trees that should have been protected by Article XII of Chapter 8 were removed from 115 Woodbine (now 113 and 117 Woodbine) by a developer. Although a tree removal permit was obtained for these trees under Article IX of Chapter 8, that Article is very clear in its section 8-351 that all other ordinances must also be followed even if a tree removal permit is issued. This includes Article XII, which requires the protection of trees during construction without the express consent of the Director of Engineering and Public Works. A FOIA request revealed that no such consent was provided, and thus the removal of these trees violated section 8-446. In fact, the tree application permit in this case admitted that the removal of these trees were for "new home construction," but the protections of Article XII were not enforced against the developer and the protected trees were removed for the construction. The Village code in its Chapter 8, Articles IX and XII, when read as a whole, clearly intends to prevent the removal of protected trees for construction, but, at least in this case, the current permitting and ordinance enforcement mechanisms failed to protect these trees as intended.

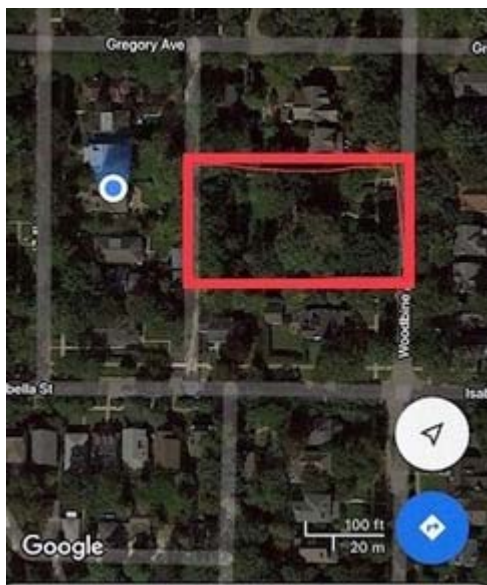
I also support more robust notification requirements for tree removal. The first time I learned that half a dozen protected trees were being removed from an adjacent parcel in my neighborhood was the day the chainsaws started buzzing, after it was too late to stop it. Had I and my neighbors received timely notice of the developer's intention to remove these protected trees for construction, we could have brought these ordinance violations to the Village's attention before the trees were cut down.

Thank you for your time and attention to this important issue, and thank you for your service to our community.

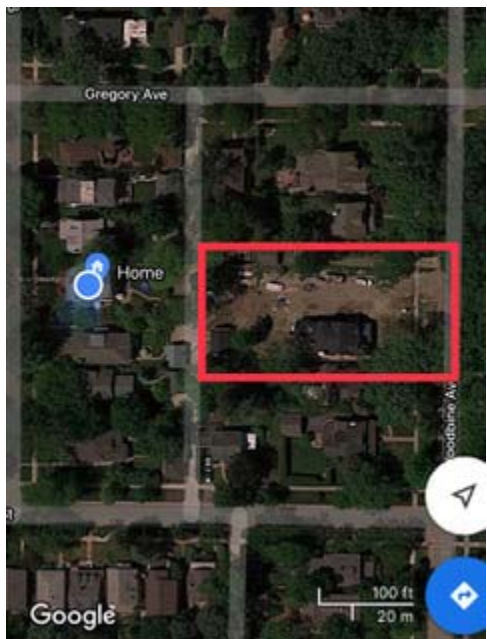
Sincerely,  
Charles Harper  
116 9th Street



Before:



After:



## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 9:20 AM  
**To:** Norwood, Karen  
**Subject:** FW: Tree Ordinance

**From:** Nancy Hoying <[nancyhoying@gmail.com](mailto:nancyhoying@gmail.com)>  
**Date:** November 15, 2021 at 8:45:06 AM CST  
**To:** [barrowp@wilmette.com](mailto:barrowp@wilmette.com), [Kennedyg@wilmette.com](mailto:Kennedyg@wilmette.com), Kathy Dodd <[kmdodd@ameritech.net](mailto:kmdodd@ameritech.net)>  
**Subject:** Tree Ordinance

Dear Trustee Dodd, Barrow and Kennedy,

Thank you for taking the time to review and consider strengthening Wilmette's Tree Ordinance. I am very much in favor of strengthening the ordinance to be in line with the recommendations outlined by Chicago Region Tree Ordinance Gold Standard.

I have two recommendations for your consideration. In the first phase of introducing a stricter ordinance that we consider not requiring owners to have the financial burden for replacing the trees but a recommendation for replacement and/or donation to the tree bank. There are unique circumstances for the countless number of trees in our community and it could be a financial burden for an owner to pay for an expense of taking down a tree and have to replace it all in one year. Therefore, any financial requests placed on the owner, I would recommend we soften the language to state it is the recommendation of the ordinance vs a mandate. This would provide an educational transition into a more strict ordinance and get a sense of how many residents are welcoming this recommendation and replacing the trees independent of the ordinance and/or making a donation into the tree bank.

Secondly, as we know many new ordinances are difficult to enforce (although it's great to see we are providing additional staff in the Village to address that issue!) and especially when it involves a wide network of vendors that cut trees and another set of vendors who replace trees. I would recommend that in conjunction with Go Green Wilmette that the Village invite the Landscapers, Landscape Architects and arborists to an open house informing them of our goal to be part of the CRTI with a swift and clear transition plan to get every vendor in cooperation and support of this ordinance. As we know from the Leaf Blower ordinance, many landscapers are not in compliance and they often aren't in agreement stating that there isn't a cost effective alternatives to gas powered leaf blowing. In other words, by not having the local vendors in support of an ordinance, there are many ways to go around it.

In the end, I am very strongly in support of a clearly defined and stronger tree ordinance for the Village of Wilmette. They are a critical infrastructure to our community. However, effective change and implementation of a new ordinance should be involving the key stakeholders and residents who will be part of the education for our community.

Sincerely,

Nancy Hoying  
901 Forest Ave

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 9:22 AM  
**To:** Norwood, Karen  
**Subject:** FW: Trees

---

**From:** Barb K <[barbkeer@gmail.com](mailto:barbkeer@gmail.com)>  
**Sent:** Monday, November 15, 2021 7:37 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>; Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** Trees

Dear Land Use Committee for the Village of Wilmette

Trees are so important to all of us, everywhere but as a Wilmette resident I am especially concerned about the trees in Wilmette. Trees are extremely valuable financially which is not always recognized. Some of the lesser talked about value is their carbon sequestration impacting air quality and their impact on storm water. They also impact the sale price of home as can be seen here: <https://splashmags.com/index.php/2021/10/25/the-surprising-value-of-trees-on-your-property/#gsc.tab=0>

In Wilmette, a large portion of the tree canopy results from trees on private property which should be considered in your discussions. Thank you for considering trees.

Sincerely,

Barbara Keer  
2601 Marian Lane  
Wilmette

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 9:21 AM  
**To:** Norwood, Karen  
**Subject:** FW: tree ordinance meeting11/16/2021

---

**From:** [bkorin@uchicago.edu](mailto:bkorin@uchicago.edu) <[bkorin@uchicago.edu](mailto:bkorin@uchicago.edu)>  
**Sent:** Monday, November 15, 2021 3:56 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>; Braiman, Michael <[braimanm@wilmette.com](mailto:braimanm@wilmette.com)>; Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** tree ordinance meeting11/16/2021

Dear Members of the Land Use Committee:

I am writing to express my strong support of a stricter tree ordinance in our village. Not only do our trees add greatly to the beauty and character of Wilmette but they are also of great benefit to our environment.

I have been disheartened to hear and see first hand how casually the village currently allows contractors to destroy mature, healthy trees just so they can build ever larger houses and remove ever more green space from the community.

We are losing trees here at an alarming rate to disease and climate stress. Then, when healthy trees are allowed to be removed, the village pretends that replacing them with \$35.00 saplings is an adequate trade-off. This is ridiculous, and you must all know it.

Sincerely,

Brae Korin  
706 Laurel Avenue.

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## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 9:21 AM  
**To:** Norwood, Karen  
**Subject:** FW: Citizen comment for Land Use Committee

---

**From:** MARK KRAEMER <[markkraemer@sbcglobal.net](mailto:markkraemer@sbcglobal.net)>  
**Sent:** Monday, November 15, 2021 3:19 PM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Citizen comment for Land Use Committee

Dear Ms. Dodd,

My name is Mark Kraemer. I have lived in Wilmette for 50 years. One of the things about Wilmette my wife and I are most proud of is our tree lined streets. The character of Wilmette is defined by our old growth trees-a resource that provides many benefits to residents. Soaring, healthy old growth trees look beautiful, but they also provide additional benefits beyond their appearance.

Old growth trees help prevent flooding by absorbing storm water. They improve air quality, as they absorb pollution from the air we breathe. They reduce heat in the summer and provide natural air conditioning many communities don't have. They provide millions of dollars in benefits to the Village and improve our quality of life. They make Wilmette more attractive and healthy. In this age of increased carbon pollution, we need large old growth trees more than ever.

That is why, as we consider ordinances governing the management of trees in Wilmette, I would like to see a greater effort to prevent the removal of healthy old growth trees. Ordinances that allow for the destruction of large valuable trees if they are replaced by small trees ignore the value of trees that have taken decades to grow. The benefits of old growth trees are thrown away when they are removed and replaced by saplings.

Please recognize the incredible value of our healthy old growth trees and strengthen rules that can preserve them. We owe it to future generations to protect the old trees we have been privileged to enjoy while we are here.

Please act to strengthen our ordinances protecting healthy, old growth trees.

Sincerely,  
Mark and Christine Kraemer

430 Laurel Ave.  
Wilmette, IL  
60091

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 9:20 AM  
**To:** Norwood, Karen  
**Subject:** FW: Tree Preservation  
**Attachments:** Highland Park Chapter 94 TREES AND SHRUBS from online 02 10 2021.pdf

---

**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Monday, November 15, 2021 4:54 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: Tree Preservation

---

**From:** Anne Nagle <[annemnagle@gmail.com](mailto:annemnagle@gmail.com)>  
**Date:** Friday, November 12, 2021 at 11:46 AM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Tree Preservation

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

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Dear Gina

We appreciate the opportunity to speak with you about improving Wilmette's Tree Preservation Ordinance.

I had found these two publications from Falls Church, VA where they utilize a projected tree canopy coverage policy. Four conifers are on their list.

<https://www.fallschurchva.gov/DocumentCenter/View/157/Urban-Forestry-Development-Guidelines?bidId=>

This second document is also out of Church Falls. It appears to be a discussion of incentives to preserve trees for both residents and developers.

[https://fallschurch-va.granicus.com/MetaViewer.php?view\\_id=2&event\\_id=1015&meta\\_id=90419](https://fallschurch-va.granicus.com/MetaViewer.php?view_id=2&event_id=1015&meta_id=90419)

Highland Park's Tree Preservation Ordinance was one that Michael Brunk, IDNR forester recommended to me. It is attached to this email. Mr Brunk also sent me this article. I think it speaks well to the efforts / processes Highland Park has in place for tree preservation.

"Kaitlyn Pike completed and published her masters thesis studying how effective HP's ordinance was at preserving trees long-term. She looked at trees that went through construction up to 12 years ago and found about 75% of the trees intended to be preserved were still present."

<https://www.sciencedirect.com/science/article/pii/S1618866720307317>

Thanks for your service and commitment to our community. Please know we have been very busy spreading the word for next week's LUC meeting.

Sincerely,

Anne



## Chapter 94 - TREES AND SHRUBS

### ARTICLE I. - STREET OR PARKWAY PLANTING

#### Sec. 94.001. - Trees, shrubs and fences upon street.

It shall be unlawful for any person, firm or corporation to plant, maintain, or set out any tree, bush, shrub or plant in and upon any public right-of-way or parkway thereof within the corporate limits of the City except in the manner hereinafter specified in this Chapter; nor shall any person, firm or corporation place or maintain on any such right-of-way or parkway timbers, fences, rock gardens or shrubs, or ornamentation, except in accordance with the provisions set forth in this Chapter and in Section 93.063 of this Code

(Ord. 39-83, J. 15, p. 0423, passed 8/15/83; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Ord. 45-10, J. 36, p. 193-195, passed 5/10/10)

#### Sec. 94.002. - Reserved.

**Editor's note**— Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Section 93.064 Repealed and Reserved by Ord. 45-10, J. 36, p. 193-195, passed 5/10/10.

#### Sec. 94.005. - Species of trees permitted.

No tree shall be planted on any parkway or public right-of-way except upon prior approval of the species of the tree by the City Forester. No low-hanging tree which might impair vision shall be planted on any parkway or any public right-of-way. No person shall plant any tree or shrub on any parkway or public right-of-way without first obtaining a permit therefor from the City Forester.

(Ord. 39-83, J. 15, p. 0423, passed 8/15/83; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

#### Sec. 94.010. - Limbs or trees dangerous to traffic or pedestrians.

- (A) Any tree, bush, shrub, or plant which overhangs any public way in such a manner as to impede or interfere with traffic or travel on said public way or which obstructs the view of motorists at the intersection of streets shall be trimmed by the owner such public or private property on which said tree or shrub is planted so that the interference or obstruction is removed.
  - (1) In addition to the foregoing, there shall be prohibited in that portion of any public right-of-way located within the Vision Triangle all bushes and plantings, other than trees, which impede unobstructed vision from a vehicle at or approaching any intersection of public rights-of-way within the corporate limits of the City of Highland Park.
  - (2) Any tree or limb of a tree which has become dead, diseased, decayed or broken, or is likely to fall on or across any public way, shall be removed by the owner of such public or private property on which such tree stands or grows.
- (B) Any such removal described in Subsection (A) above shall be accomplished within 20 days after the service of a notice requiring said trimming or removal. Said service shall be made upon said owner by the City Manager or his or her designee and shall be by personal service or by certified mail addressed to the owner or occupant of such public or private property.

- (1) It shall thereupon become the duty of the owner of such public or private property to cause said tree, shrub, bush or plant to be trimmed or removed under the direction and supervision of the City Manager or his or her designee.
  - (2) If said trimming or removal, as the case may be, is not accomplished within the 20-day period aforementioned, the City may prosecute said owner for such failure or neglect and may in addition to such prosecution or as an alternative thereto, proceed with the trimming or removal of said tree, shrub, bush or plant and assess the cost therefor against the property owner. The cost of said trimming or removal shall be recoverable from the owner or owners of the property and may be foreclosed by the City pursuant to Section 11-20-15 of the Illinois Municipal Code, 65 ILCS 5/11-20-15, as may be amended.
- (C) The City shall have the right, but not the obligation, to trim or remove, at its initial cost and expense, any shrub, branch, or plant located in any public right-of-way that presents an imminent or substantial threat to the public health, safety, or welfare. Nothing in this Section 94.010(C) shall be deemed or interpreted as precluding the City from seeking reimbursement from the owner of a shrub, branch, or plant that is trimmed or removed pursuant to this Section 94.010(C).

(Ord. 39-83, J. 15, p. 0423, passed 8/15/83; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.015. - Reserved.

**Editor's note**— Ord. 39-83, J. 15, p. 0423, passed 8/15/83.

Sec. 94.020. - Breaking, cutting or injuring tree in public way.

No person, firm, or corporation shall remove, destroy, break, cut, deface, trim, or in any way injure or interfere with any tree, bush, shrub or plant growing in any public way of the City except by written permit of the City Manager. Provided, however, that nothing in this Section shall be construed to apply to the removal under the direction of the City of any root, tree, shrub, or part thereof whenever the same shall be found necessary in the construction of any sidewalk, sewer, pavement or other public improvement.

(Ord. 23-65, J. 6, p. 86, passed 7/12/65)

Sec. 94.025. - Attaching wire, rope, or sign to tree prohibited.

No person, firm or corporation shall fasten or attach any wire, rope, sign, handbill or other item to any tree, bush, shrub or plant growing in any public way.

(Ord. 23-65, J. 6, p. 86, passed 7/12/65; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07)

Sec. 94.030. - Utility pipes and wires not to injure tree or shrub.

Any person or company maintaining any gas pipe, electric or telephone wire in the City shall, in the absence of provision in the franchise, maintain such pipes or wires in a manner to avoid injury to any tree, bush, shrub or plant in the public way.

(Ord. 23-65, J. 6, p. 86, passed 7/12/65)

Sec. 94.035. - Obstructing air or water to tree or shrub.

It shall be unlawful for any person, firm, or corporation except with a written permit from the City Manager to place or maintain upon the ground in any public street or parkway any stone, cement, or other impervious material or substance in such a manner as may obstruct the free access of air and water to the roots of any tree, plant, or shrub in any such public street or parkway unless otherwise provided for in such written permit. There must be maintained about the base of the trunk of each tree in such public street or parkway at least nine square feet of ground for a tree three inches in diameter and for every two inches of such diameter there must be an increase of at least one square foot of open ground.

(Ord. 23-65, J. 6, p. 86, passed 7/12/65)

Sec. 94.040. - Permit required to remove tree from parkway or other property.

If a tree is to be removed from a parkway or other public property, a permit therefor must be obtained from the City. If such a permit is approved, and unless the tree is diseased, dangerous, dying or dead, or is in accordance with this Chapter an undesirable or prohibited tree, a fee at the rate set forth in the Annual Fee Resolution shall be paid for such permit, or in lieu of the payment of such fee, a new tree of a species authorized by the City may be planted without expense to the City in the vicinity of the tree so removed.

(Ord. 23-65, J. 6, p. 86, passed 7/12/65; Ord. 32-70, J. 8, p. 1, passed 4/27/70; Ord. 18-98, J. 24, p. 498-502, 2/23/98, Ord. 35-03, J. 29, p. 134, passed 5/27/03; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.045. - Violation of Chapter held public nuisance.

Any and all shrubs, trees or bushes now growing or hereafter set out, planted or raised in or upon the parkways of this City, in violation of the terms of this Chapter, are and each of them is hereby expressly declared a public nuisance and subject to treatment and abatement as such. Any such trees, shrubs, or bushes so raised or set out, contrary to law, may be abated as a common nuisance by any member of the Department of Public Works, Police Department, or Building Division.

(Ord. 23-65, J. 6, p. 86, passed 7/12/65; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

## ARTICLE II. - DISEASED, INFECTED OR INFESTED TREES

Sec. 94.100. - Dutch elm diseased trees declared nuisance.

Trees of all species and varieties of elm or zelkova infected with the fungus *Ceratostomella Ulmi* are hereby declared to be a public nuisance and shall be removed from the City of Highland Park within 30 days following notification given in accordance with the provisions of Section 94.115 of this Chapter of the discovery of such infection. It shall be unlawful for any person, firm or corporation, being the owner of property whereon such a tree is situated, to possess or keep such tree after the expiration of the 30 days following notification of the discovery of said infection.

(Ord. 1016, J. 4, p. 1016, passed 9/23/57; Ord. 26-67, passed 6/26/67; Ord. 14-69, J. 7, p. 314, passed 3/10/69; Ord. 18-98, J. 24, p. 498-502, 2/23/98; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.105. - Elm Bark Beetle Breeding Places Declared Nuisance.

Trees or parts thereof of elm or zelkova in a dead or dying condition that may serve as a breeding place for the European elm bark beetle, *scolytus multistriatus*, are hereby declared to be public nuisances, and it shall be unlawful for the person, firm or corporation owning property whereon the same is situated to possess or keep the same.

(Ord. 1016, J. 4, p. 1016, passed 9/23/57; Ord. 18-98, J. 24, p. 498-502, 2/23/98)

**Sec. 94.110. - City Manager Charged with Enforcement.**

The City Manager is charged with enforcement of Sections 94.100, 94.105, and 94.140 of this Chapter, and to that end may enter upon private property at all reasonable hours for purposes of inspecting trees thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected. It shall be unlawful for any person, firm or corporation to prevent the City Manager or his representative entering on private property for purposes of carrying out his duties hereunder, or to interfere with such City Manager or his representative in the lawful performance of his duties under the provisions of such Sections.

(Ord. 1016, J. 4, p. 1016, passed 9/23/57; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

**Sec. 94.115. - Removal of Diseased, Infected or Infested Trees.**

- (A) The City Manager or his representative shall give to the owner of the premises where the public nuisance described in Sections 94.100, 94.105, or 94.140 of this Chapter is found, a written notice of the existence of such nuisance, and requiring the removal of same. Service of such notice shall be by personal service, or by registered mail addressed to the person to whom was sent the tax bill for general taxes for the last preceding year.
- (B) An owner who receives a notice pursuant to Section 94.115(A) of this Chapter must remove the trees identified in the notice either: (1) within 30 days after receipt of the notice, if the notice is received between March 2 and September 30 of any calendar year; or (2) not later than April 1, if the notice is received between October 1 and March 1.
- (C) The notice delivered pursuant to Section 94.115(A) of this Chapter shall also notify the owner of the premises that unless such nuisance is removed in compliance with the terms of this schedule, the City may prosecute the owner for such failure or neglect and may, in addition to such prosecution or as an alternative thereto, proceed with the removal of such nuisance and assess the costs thereof against that property owner.

(Ord. 1016, J. 4, p. 1016, passed 9/23/57; Ord. 26-67, passed 6/26/67; Ord. 14-69, J. 7, p. 314, passed 3/10/69; Ord. 56-71, J. 8, p. 430, passed 11/22/71; Ord. 18-98, J. 24, p. 498-502, 2/23/98; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

**Sec. 94.120. - Reserved.**

**Editor's note**— Ord. 1016, J. 4, p. 1016, passed 9/23/56; Ord. 26-67, passed 6/26/67; Repealed and Reserved by Ord. 71-09, J. 35, p. 255-279, passed 12/14/09.

**Sec. 94.125. - Duty of Owner to Remove Diseased, Infected or Infested Tree.**

Upon receipt of notice as prescribed in Section 94.115 of this Chapter, it shall thereupon become the duty of the owner of said premises to cause such tree or breeding place to be removed and destroyed in accordance with and under the direction and the supervision of the City Manager or his or her representative. If the City shall remove and destroy any tree or breeding place, all expenses incurred in

connection therewith shall be assessed against the property owner. Upon written application from any property owner whose total household income is not more than the Low Income figures as established in the Income Eligibility Rates published by HUD effective July 1, 1979, as verified by the previous year's tax return, or such other proof of income submitted to and approved by the City Manager, the City Manager will cause such diseased tree to be removed by the City upon payment by the property owner in the amount set forth in the Annual Fee Resolution.

(Ord. 51-79, J. 14, p. 0824, passed 11/12/79; Ord. 42-01, J. 27, p. 178-181, passed 7/9/01, Ord. 35-03, J. 29, p. 134, passed 5/27/03; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09; [Ord. O67-2019](#), § 5, passed 10/15/19)

Sec. 94.130. - Diseased, Infected, or Infested Trees on City Property.

Diseased, infected, or infested trees on City owned property shall be removed at the expense of the City.

(Ord. 1016, J. 4, p. 1016, passed 9/23/57; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.135. - Short Title.

Sections 94.100 through 94.135 shall be in full force and effect from and after its passage, approval, recordation, and publication, as provided by law, and shall be known, referred to and recited as "The Highland Park Dutch Elm Disease Ordinance of 1957."

(Ord. 1016, J. 4, p. 1016, passed 9/23/57)

Sec. 94.140. - Diseased, Infected or Infested Trees Other Than Those Afflicted with Dutch Elm Disease.

- (A) Upon recommendation of the City Forester, the City Manager may declare to be a public nuisance any species of tree that is afflicted with, or that serves or may serve as a breeding place for, a pandemic disease or pandemic insect pest.
- (B) Notwithstanding Section 94.115(B) of this Chapter to the contrary, the owner of real property shall cause to be removed from the City any tree located on that property that has been declared to be a public nuisance pursuant to Section 94.140(A) of this Chapter, within 30 days following notification given in accordance with the provisions of Section 94.115 of this Chapter.

(Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

ARTICLE III. - TREES ON PRIVATE PROPERTY AND PARKWAYS

Sec. 94.300. - Reserved.

**Editor's note**— Ord. 13-73, J. 10, p. 681, passed 3/26/73; Ord. 38-01, J. 27, p. 146-167, passed, 6/25/01; Repealed and Reserved by Ord. 71-09, J. 35, p. 255-279, passed 12/14/09.

Sec. 94.310. - Reserved.

**Editor's note**— Ord. 23-73, J. 10, p. 707, passed 5/29/73; Ord. 18-98, J. 24, p. 498-502, 2/23/98; Repealed and Reserved by Ord. 71-09, J. 35, p. 255-279, passed 12/14/09.

Sec. 94.315. - Reserved.

**Editor's note**— Ord. 23-73, J. 10, p. 707, passed 5/29/73; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Repealed and Reserved by Ord. 71-09, J. 35, p. 255-279, passed 12/14/09.

Sec. 94.320. - Planting requirements for parkways.

No building permit shall be issued for any new construction, nor for any addition to any existing building other than single family dwellings, except upon the payment by the applicant of a fee, in the amount set forth in the Annual Fee Resolution, for every 30 feet of frontage of parkway adjoining the premises to be improved, which money shall be used either to plant trees, of species and quality to be determined by the City Forester, in the adjoining parkway, or to replace and/or maintain trees in the adjoining parkway that have been or are likely to be damaged by activity for which the permit was issued. Any money not dedicated to the planting, replacement, or maintenance of trees shall be returned to the person who paid the fee.

(Ord. 18-98, J. 24, p. 498-502, 2/23/98, Ord. 35-03, J. 29, p. 134, passed 5/27/03; Ord. 71-07, J. 33, p. 461-508, passed 9/24/07; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.330. - Maintenance.

All trees and shrubs required by this Chapter shall be provided and maintained by the owner of the premises for which application for a permit is made, except that trees in the public parkway shall be maintained by the City of Highland Park.

(Ord. 23-73, J. 10, p. 707, passed 5/29/73)

#### ARTICLE IV. - TREE PRESERVATION

Sec. 94.401. - Intent and Purpose.

While allowing for reasonable improvement of land within the City, it is the stated public policy of the City to add to the Tree population within the City, where possible, and to maintain, to the greatest extent possible, existing Trees within the City. The planting of additional Trees and the preservation of existing Trees in the City is intended to accomplish, where possible, the following objectives:

- (A) To preserve Trees as an important public resource enhancing the quality of life and the general welfare of the City and enhancing its unique character and physical, historical, and esthetic environment;
- (B) To preserve the canopy and essential ecological character of those areas throughout the community that are heavily wooded;
- (C) To enhance and preserve the air quality of the City through the filtering effect of Trees on air pollutants and replenishing the atmosphere with oxygen;
- (D) To reduce noise within the City through the baffle and barrier effect of Trees on the spread of noise;
- (E) To reduce topsoil erosion through the soil retention effect of Tree roots;
- (F) To reduce energy consumption through the wind break and shade effects of Trees when they are properly placed on a Lot;

- (G) To provide habitat and food for birds and other wildlife, including the preservation and enhancement of nesting areas for birds and other wildlife, which in turn assist in the control of insects;
- (H) To reduce storm water runoff and topsoil erosion and the costs associated therewith and replenish ground water supplies;
- (I) To protect and increase values; and
- (J) To enhance economic stability by attracting businesses and visitors.

(Ord. 11-00, J. 26, p. 087-098, passed 2/28/00; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09))

Sec. 94.402. - Definitions and Construction.

(A) The language in the text of this Chapter shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural number, and the plural the singular;
- (2) The word "shall" is mandatory; the word "may" is permissive; and
- (3) The masculine gender includes the feminine and neuter.

(B) Whenever hereafter in this Chapter the following words and phrases are used, they shall, for the purposes of this Chapter, have the meanings respectively ascribed to them in this Subsection, except when the context otherwise indicates.

*Aggregate Diameter:* The combined diameter of a multiple trunk Tree measured at Breast Height.

*Building Activity Area:* That buildable area of a lot in which construction and building activities are to be limited and hence shall be the smallest possible area of a lot or parcel of land within which building activity may take place, including the entire area affected by building and grading activities related to the proposed construction, to be determined with maximum regard for existing Trees.

*Caliper:* The diameter of a Tree trunk six inches (6") above the existing grade or proposed planted grade. Caliper is usually used in reference to nursery stock for new plantings.

*Canopy Zone:* The area inscribed by the trunk branches and leaves of a Tree.

*Damage:* Any act that results in the death, likely death, loss in value, loss in aesthetic value, or substantial destruction of a Tree, or causes the Tree to become diseased or a hazard to persons or property, as determined by the City Forester or his or her designee.

*Diameter Breast Height Or "DBH":* The diameter of a Tree measured at four and one-half feet (4½') above the existing grade at the base of the Tree.

*General Contractor:* An individual, partnership, corporation, association, joint venture, governmental entity, or commercial entity that is a property owner or directly contracts with a property owner and performs or manages a project on such owner's property that requires the issuance of a building permit.

*Heritage Tree:* Any Tree of the following genera or species:

All trees in the genus Quercus (Oaks) greater than or equal to 30" DBH;

Ulmus Americana (American Elm) greater than or equal to 40" DBH;

All trees in the genus Carya (Hickory) greater than or equal to 20" DBH; or

All trees in the genus Juglans (Walnut) greater than or equal to 30" DBH

*Key Tree:* Any Protected Tree of the following genera or species:

Acer saccharum (Sugar Maple);

All trees in the genus *Carya* (Hickory);

*Taxodium distichum* (Bald Cypress);

*Celtis occidentalis* (Hackberry);

*Ginkgo biloba* (Ginkgo);

*Gymnocladus dioica* (Coffee tree);

All trees in the genus *Juglans* (Walnut)

*Pseudotsuga menziesii* (Douglas Fir);

*Pinus strobus* (White Pine);

*Picea abies* (Norway Spruce);

*Quercus velutina* (Black Oak);

*Quercus macrocarpa* (Burr Oak);

*Quercus alba* (White Oak);

*Quercus rubra* (Red Oak); or

*Quercus bicolor* (Swamp White Oak).

**Lot or Lot of Record:** A portion of platted land measured, set apart, and subdivided as a distinct parcel having its principal frontage upon a street and created and delineated upon a plat of subdivision or resubdivision approved by the Mayor and City Council of the City, and so recorded by the Recorder of Deeds of Lake County, Illinois.

**Pandemic:** Prevalent all over a wide geographical area of Lake County, the State of Illinois, the United States of America, or the world.

**Plant Palette:** A list of species of plants that, in the opinion of the City Forester, are: (i) native to the City or to the surrounding area; (ii) not likely to harm other plants in the City; and (iii) reasonably likely to grow successfully in the City. The Plant Palette is divided into three categories: ;Deciduous Shade (Category A), Evergreen (Category B), and Deciduous Ornamental (Category C).

**Protected Tree:** Any Tree having a diameter of eight inches (8") DBH or larger or having an Aggregate Diameter of 15 inches DBH or larger, except any tree in the genera *Rhamnus* (Buckthorn) or *Salix* (Willow).

**Regulated Public Utility:** Any utility certified by the Illinois Commerce Commission to provide service to any customer within the corporate limits of the City of Highland Park.

**Remove or Removal:** The causing or accomplishing of the actual physical removal of a Tree, or the effective removal through damaging, poisoning, or other direct or indirect action resulting in, or likely to result in, the death of a Tree.

**Root Zone:** The area inscribed by an imaginary line on the ground beneath a Tree having its center point at the center of the trunk of the Tree and having a radius equal to one foot (1') for every inch of DBH.

**Steep Slope Zone:** "Steep Slope Zone" shall have the meaning set forth in Section 150.202 of Chapter 150 of this Code.

**Tree:** A self-supporting, woody plant, together with its root system, having a well-defined stem or trunk or a multi-stemmed trunk system, a more or less well defined crown, and a mature height of at least eight feet. "Tree" shall not include trees in containers or nursery stock trees maintained for resale.



*Tree Maintenance:* The causing or accomplishment of actual physical actions taken to promote the health, condition, and form of trees, including, but not limited to, pruning, watering, fertilizing, bracing, cabling, and improving the condition of the roots, trunk and canopy of trees.

*Tree Preservation Area:* Those areas of a Lot or parcel of land within which all Trees with a six inch DBH or larger shall be protected.

*Tree Preservation Plan:* A written plan having text and/or graphic illustrations indicating the methods which are to be used to preserve existing Trees during construction, which plan shall: (i) include a Tree Survey; and (ii) depict the proposed placement of all utility service lines on the subject property.

*Tree Removal Permit:* That permit required by this Chapter to be issued in order to Remove:

1. Any Protected, Key or Heritage Tree within the corporate limits of the City; or
2. Any Tree in the Steep Slope Zone within the corporate limits of the City.

*Tree Survey:* A graphic display of all existing Trees upon the Lot with a six inch (6") DBH or greater, which survey shall also contain the approximate outline of the Root Zone of each such Tree. If requested by the City Forester, the survey shall also identify the size and species of each Tree, and an opinion, from a certified arborist, of the condition and form of each Tree.

*Vision Triangle:* "Vision Triangle" shall have the meaning set forth in Section 150.202 of Chapter 150 of this Code.

*Zoning Code:* Chapter 150 of this Code.

(Ord. 11-00, J. 26, p. 087-098, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed, 6/25/01; Ord. 56-03, J. 29, p. 203-209, passed 9-22-03; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.403. - General Regulations.

(A) It shall be unlawful for any person to Remove or Damage, any Protected, Key or Heritage Tree prior to issuance by the City of a Tree Removal Permit therefor. Tree Removal Permits authorizing the Removal of Protected, Key or Heritage Trees under the provisions of this Section 94.403 may be issued by the City for the following reasons:

- (1) The Protected, Key or Heritage Tree is dead or dying;
- (2) The Protected, Key or Heritage Tree is diseased;
- (3) The Protected, Key or Heritage Tree is damaged or injured to the extent that it is likely to die or become diseased, or that it constitutes a hazard to persons or property;
- (4) Removal of the Protected or Key Tree is consistent with good forestry practices;
- (5) Removal of the Protected or Key Tree is deemed appropriate by the City Forester in his or her professional judgment; and/or .
- (6) Removal of the Protected or Key Tree will avoid or alleviate an economic hardship or hardship of another nature on the Lot or residence located on the Lot.

(B) The City Forester shall not issue a Tree Removal Permit pursuant to this Section 94.403, except upon: (1) receipt of a completed application therefor, pursuant to Section 94.405 of this Chapter; and (2) a determination that issuance of the requested Tree Removal Permit is authorized pursuant to Section 94.403(A) of this Chapter.

(C) Replacement of Trees:

- (1) Except as provided in Section 94.403(C) (2) of this Chapter, replacement trees shall be planted pursuant to this Section 94.403(C) upon a determination by the City Forester pursuant to Section 94.404(B) (6) of this Chapter that replacement trees are required, or upon the removal of any Protected, Key or Heritage Tree in each of the following instances:

- (a) The Tree was removed pursuant to the Tree Removal Permit issued pursuant to Sections 94.403(A) (6) or 94.407 of this Chapter;
  - (b) The Tree had been Damaged by other than natural causes; or
  - (c) The Tree has been Removed without a Tree Removal Permit or in violation of a Tree Removal Permit.
- (2) Notwithstanding Section 94.403(C)(1) of this Chapter, no tree replacement shall be required pursuant to this Section 94.403(C) for the removal of a Protected or Key Tree that is consistent with good forestry practices, as determined by the City Forester in his or her sole and absolute discretion.
- (3) If tree replacement is required pursuant to this Section 94.403(C), each Removed Protected Tree shall be replaced with two new Trees or saplings, of a species chosen from any Category of the Plant Palette, of not less than three inches caliper; provided, however, that a new Tree may be less than three inches caliper if the new Tree is an evergreen Tree or a multistemmed Tree and is at least eight feet in height. If the Protected Tree is also a Key Tree, then the requirements of Section 94.403(C)(4) of this Chapter shall supersede this Section 94.403(C)(3). If the Protected Tree is also a Heritage Tree, then the requirements of Section 94.403(C)(5) shall supersede this Section 94.403(C)(3).
- (4) If tree replacement is required pursuant to this Section 94.403(C), each Removed Key Tree shall be replaced with three new Trees or saplings, of a species chosen from Categories A or B (but not Category C) of the Plant Palette, of not less than three inches caliper; provided, however that a new Tree may be less than three inches caliper if the new Tree is an evergreen Tree or a multistemmed Tree and is at least eight feet (8') in height. If the Key Tree is also a Heritage Tree, then the requirements of Section 94.403(C)(5) of this Chapter shall supersede this Section 94.403(C)(4).
- (5) If tree replacement is required pursuant to this Section 94.403(C), each Removed Heritage Tree shall be replaced with four new Trees or saplings, of a species chosen from Category A (but not Categories B or C) of the Plant Palette, of not less than three inches caliper.
- (6) In the event that the City Forester determines, in his or her sole and absolute discretion, that the full replacement of Trees required by this Section 94.403(C) would result in unreasonable crowding of Trees upon the Lot, the permittee shall pay the City a fee in lieu of making such replacement in kind, in the amount set forth in the Annual Fee Resolution.
- (7) For all Tree Removal Permits issued in connection with projects requiring building permits, all tree replacement required pursuant to this Section 94.403(C) shall be completed within six months after the date of issuance of a Conditional Certificate of Occupancy pursuant to Chapter 170 of this Code. Upon request, the City Council shall have the right, but not the obligation, to grant an extension of not more than six months for the completion of all tree replacement required pursuant to this Section 94.403.
- (D) If tree replacement is not required pursuant to Section 94.403(C) of this Chapter, the permittee is encouraged to replace a Removed Protected, Key or Heritage Tree that was diseased, dead, dying, or damaged from natural causes.
- (E) A Tree in the Steep Slope Zone shall not be Removed or Damaged except in accordance with the applicable provisions of this Section 94.403 and of Article XIX of Zoning Code. In the event of a conflict between the provisions of this Section 94.403 and the provisions of Article XIX of Zoning Code, the provisions of Article XIX of the Zoning Code shall control.
- (F) Except as provided in Sections 94.403(A)(1) through 94.403(A)(3) of this Chapter, no Tree Removal Permit shall be issued pursuant to this Section 94.403 for a Heritage Tree except upon approval by the Zoning Board of Appeals, in accordance with Section 94.407 of this Chapter.

(Ord. 11-00, J. 26, p. 087-098, passed 2/28/00; Ord. 38-01, J. 27, p. 146-167, passed, 6/25/01; Ord. 56-03, J. 29, p. 203-209, passed 9-22-03; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.404. - Tree Preservation Involving Construction.

- (A) In connection with projects requiring building permits, a Tree Preservation Plan shall be filed with the building permit application. All buildings, building additions, and other structures (including but not limited to driveways) shall be located upon a Lot or parcel of land in such a way as to minimize Tree Damage and/or Removal, consistent with the various setback requirements of the Zoning Code of the City. The Tree Preservation Plan shall specify the following:
  - (1) Tree Preservation Area and Building Activity Area upon the Lot or parcel of land for which a building permit application has been filed; and
  - (2) The name of the General Contractor.
- (B) Except as provided in Sections 94.403(A)(1) through 94.403(A)(3) of this Chapter, no Tree Removal Permit shall be issued to an applicant for a building permit unless the City finds that all reasonable efforts have been undertaken in the architectural layout and design of the proposed development to preserve existing Protected, Key and Heritage Trees, in accordance with the following:
  - (1) Building placement and driveway, walkway and parking areas shall be designed in such a way as to avoid unnecessary removal of Protected, Key and Heritage Trees.
  - (2) The required drainage and grading plan shall be developed in such a way as to avoid removal of Protected, Key and Heritage Trees wherever possible and to protect remaining Protected, Key and Heritage Trees and Trees with a six inch (6") DBH or larger located in the Tree Preservation Area from risk of loss through change in grade or moisture.
  - (3) All utility lines shall be augured through tree preservation areas unless the City Forester or his or her designee provides written authorization of an alternative procedure. A copy of the Tree Preservation Plan and this Chapter shall be submitted to the appropriate Regulated Public Utilities by the General Contractor in order to alert said Regulated Public Utilities to the proposed placement of the regulated utility service lines.
  - (4) Preliminary landscape planning shall have been accomplished to reflect Tree replacement required by this Chapter and shall include preservation of existing healthy Protected, Key and Heritage Trees.
  - (5) The Root Zone and Canopy Zone of Protected, Key and Heritage Trees on Lots adjacent to the Lot in question on which construction activity will take place shall be carefully reviewed and considered during the preparation of the Tree Preservation Plan. Every effort should be made during the architectural layout and design of the proposed development to preserve Protected, Key and Heritage Trees on adjacent Lots through sensitivity to the Root Zones and Canopy Zones of said Trees. If the Tree Survey and Tree Preservation Plan show an impact of the planned construction activity on a Heritage Tree, its Root Zone or Canopy Zone, wherever located, then the City Forester must approve the Plan in writing prior to commencement of the construction activity.
  - (6) If, notwithstanding the decision of the owner to preserve a Protected, Key or Heritage Tree impacted by the placement of a building, driveway, walkway or parking area, the City Forester determines, in exercise of his professional judgment, that there exists a substantial likelihood that the impacted tree would die within a year from date of construction completion as a result, either directly or indirectly, of the construction activity, then the City Forester may require the owner to plant replacement trees as required pursuant to Section 94.403(C) of this Chapter. The replacement tree must be planted within six months after the date of written notice to the owner of the City Forester's decision to require planting of the replacement tree.
- (C) Except when a Tree Removal Permit has been issued pursuant to Sections 94.403(A)(1), 94.403(A)(2), or 94.403(A)(3) of this Chapter, no building permit shall be issued to an applicant for a

building permit by the City unless the approved Tree Survey and Tree Preservation Plan have been filed with the building permit application and unless the General Contractor installs required protective fencing prior to construction, which fencing shall be inspected and approved by the City Forester. The General Contractor shall be responsible for the construction, erection, and maintenance of temporary fencing or other physical barrier around Tree Preservation Areas so that all Protected, Key and Heritage Trees and Trees with a six inch (6") DBH or larger in Tree Preservation Areas shall be preserved and the Tree Preservation Area shall be protected physically from the Building Activity Area. All required protective fencing or other physical barrier must be in place around the Tree Preservation Area and approved by the City Forester prior to beginning construction. The fencing or other physical barrier must remain in place during the entire construction period to prevent impingement of construction vehicles, materials, spoils, and equipment into or upon the Tree Preservation Area. All fencing shall be of a rigid material (i.e., wood lathe, chain-link, etc.) and must be secured to metal posts driven into the ground, spaced no further than ten feet (10') apart.

- (1) Work shall not begin on the Lot until the Lot has been inspected by the City for compliance with the Tree Preservation Plan. Once the City approves the placement of fencing or a physical barrier, the fencing or physical barrier may not be removed by any party unless prior written approval is obtained by the City Forester or his or her designee.
  - (2) An approved Tree Preservation Plan shall be available on the Lot before work commences and at all times during construction of the project. The General Contractor shall be responsible for notifying all other contractors working on the Lot and the owners of property contiguous to the Lot of the existence of the Tree Preservation Plan.
- (D) During construction, all reasonable steps necessary to prevent the Damage of Protected, Key and Heritage Trees (other than those specified by the City Forester to be Removed) shall be taken, including, but not limited to the following:
- (1) No construction activity, movement, and/or placement of equipment or material or spoils storage shall be permitted outside the Building Activity Area, or within the Tree Preservation Area, or Canopy Zone of Protected Trees, unless approved in advance by the City Forester or his or her designee.
  - (2) No excess soil, additional fill, liquids, or construction debris shall be placed within the Root Zone of any Tree that is required to be preserved.
  - (3) Appropriate protective fencing shall be temporarily installed for protection of remaining Protected Trees. After installation of the fencing, the fencing may not be moved, altered, changed, or removed until completion of the work, without the prior written permission of the City Forester or his or her designee.
  - (4) No attachments, fences or wires, other than those approved for bracing, guying or wrapping, shall be attached to Trees during the construction period.
  - (5) The permittee shall undertake all Tree maintenance measures indicated on the Tree Preservation Plan before, during, and after construction, which measures may include, without limitation, root pruning of Protected, Key or Heritage Trees.
  - (6) Unless otherwise authorized by the Tree Removal Permit, no soil is to be removed from within the Root Zone of any Protected, Key or Heritage Tree that is to remain.
  - (7) The Building Activity Area within the construction site shall be rough graded and backfilled in accordance with standards established by the City Manager and only after inspection by the City shall the contractor be permitted to begin additional site preparation work.
  - (8) All utilities, including service lines, shall be installed in accordance with the Tree Preservation Plan. Regulated Public Utilities which have been notified of the Tree Preservation Plan in accordance with Section 94.404(B)(3) of this Chapter shall be responsible for adhering to the Tree Preservation Plan during installation of necessary utility service lines.

- (E) It shall be unlawful for any person, firm, or corporation to fail to abide by the terms of any Tree Preservation Plan pursuant to which a building permit or Tree Removal Permit has been issued including all Regulated Public Utilities.
- (F) A stop work order may be issued by the City as provided in the applicable provisions of this Code, and in the following additional circumstances:
- (1) The Removal of a Protected, Key or Heritage Tree has been undertaken without first having obtained the necessary Tree Removal Permit;
  - (2) The required protective fencing has been damaged, destroyed, removed, or otherwise rendered ineffective for the purpose for which it was required;
  - (3) The necessary precautions as specified in the Tree Preservation Plan were not undertaken before construction commenced, and/or Damage to Protected, Key or Heritage Trees has occurred or is likely to occur during construction; or
  - (4) The Building Activity Area within the construction site was not rough graded or not backfilled in accordance with the standards established by the City Manager or additional site preparation work was commenced before an inspection of the construction site by the City.
- The stop work order shall be in effect until such time as the permittee complies with the appropriate regulations or, in the case of existing or likely Damage to Protected, Key or Heritage Trees, takes corrective action acceptable to the City to mitigate any Damage to any such Trees.
- (G) The fee for the removal of a stop work order shall be in the amount established by the Annual Fee Resolution. (Ord. 31-01, J. 27, p. 128-129, passed 5/29/01)

(Ord. 11-00, J. 26, p. 087-098, passed 2/28/00; Ord. 31-01, J. 27, p. 128-129, passed 5/29/01; Ord. 56-03, J. 29, p. 203-209, passed 9/22/03; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.405. - Application for Tree Removal Permits.

- (A) An applicant for a Tree Removal Permit shall file an application therefor with the City Forester, which application shall contain, without limitation, the following:
- (1) Name and address of applicant;
  - (2) Commonly known address of Lot or property where the Protected, Key or Heritage Tree(s) sought to be Removed is located;
  - (3) A written statement indicating the reason for Removal of the Protected, Key or Heritage Tree(s);
  - (4) A general description of all Protected, Key or Heritage Trees to be Removed, including species and size;
  - (5) Name and address of the contractor or other person who is proposed as having responsibility for Tree Removal; and
  - (6) Payment of a Tree Removal Permit fee, as required pursuant to Section 94.4055(C) of this Chapter.
- (B) In the event a Tree Removal Permit is sought in connection with construction requiring a building permit, the application shall also be accompanied by:
- (1) The Tree Survey of the lot which shall be drawn on a scale of not less than 1"=30' and shall show all Trees with a DBH of six inches (6") or greater and include a listing of the species of each Tree with a DBH of six inches (6") or greater which will be impacted by the construction activity. For sites on which development activity is to occur on less than the entirety of the site, the City may provide that the Tree Survey exclude those portions of the site which it determines will not be affected by the development activities;

- (2) A Tree Preservation Plan in conformance with the requirements of Section 94.404; and
- (3) A report from a certified arborist, if required by the City. The arborist's report shall identify the tree species, the condition, and size of each tree on the property and on adjacent property in instances where construction activities may impact a Protected, Key or Heritage Tree on the adjacent property. The report shall also incorporate (i) the Tree Preservation Plan, and (ii) a tree damage mitigation plan, identifying the method by which the applicant will mitigate likely damage occurring to other trees before, during and after construction as a result of the proposed activity.

(C) Fees.

- (1) Prior to the issuance of a Tree Removal Permit pursuant to this Chapter, the applicant shall pay a fee in the amount set forth in the Annual Fee Resolution; provided, however, that no fee shall be required for any Tree Removal Permit that: (a) is not sought in connection with work for which a building permit is required pursuant to this Code; and (b) is issued pursuant to Sections 94.403(A)(1), 94.403(A)(2) or 94.403(A)(3) of this Chapter.
- (2) In the event that a Tree authorized to be removed pursuant to this Chapter is a Protected Tree that is also a Key Tree, the fee set forth in the Annual Fee Resolution for removal of a Key Tree shall apply. In the event that a Tree authorized to be removed pursuant to this Chapter is a Protected Tree that is also a Heritage Tree, the fee rate for a Heritage Tree shall apply. In the event that a

Tree authorized to be removed pursuant to this Chapter is a Protected Tree that is also a Key Tree and a Heritage Tree, the fee rate for a Heritage Tree shall apply.

(Ord. 11-00, J. 26, p. 087-098, passed 2/28/00; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.406. - Emergencies.

- (A) In order to avoid danger or hazard to persons or property, during emergency conditions requiring the immediate cutting or Removal of a Protected. Key or Heritage Tree(s), a Tree Removal Permit will be issued by the City without formal application as otherwise required pursuant to Section 94.405 of this Chapter.
- (B) In the event of such an emergency, it shall be lawful to proceed with the cutting of the Tree or Trees to the extent necessary to avoid immediate danger or hazard. In such event the person causing the cutting shall report the action taken to the City within 48 hours thereof.

(Ord. 11-00, J. 26, p. 087-098, passed 2/28/00; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.407. - Removal of Heritage Trees in Good Condition.

Except as provided in Sections 94.403(A)(1) through 94.403(A)(3) of this Chapter, no Tree Removal Permit for a Heritage Tree shall be issued except upon approval by the Zoning Board of Appeals in accordance with the following:

(A) *Procedure.*

- (1) *Application.* An applicant for a Tree Removal Permit for a Heritage Tree shall file an application therefor, which application shall include, without limitation: (a) all information required pursuant to Section 94.405 of this Chapter; and (b) a report from a certified arborist, which report shall contain, without limitation, all information required pursuant to Section 94.405(B)(3) of this Chapter.
- (2) *Notice.* Not less than 15 days prior to the meeting at which the application for the requested variations is to be considered, the applicant shall deliver written notice of the

application, via United States Mail, to the owners of all properties that are (a) continuous to the property that is the subject of the application, or (b) located across a public or private street, alley, or easement of any type and immediately opposite the property that is the subject of the application. The notice shall list the date, time, and place of the meeting at which the application is to be considered, the applicant's name, the address of the property, and a brief description of the tree proposed to be removed.

- (3) *Public Meeting.* The Zoning Board of Appeals shall consider the requested variations at a public meeting commenced within 30 days after receipt by the City Forester of the application for the Tree Removal Permit and upon compliance with the applicable notice requirements set forth in Section 94.407(A)(2) of this Chapter.
  - (4) *Decision.* The Zoning Board of Appeals shall either approve, approve with conditions, or deny the requested Tree Removal Permit. The decision of the Zoning Board of Appeals shall be forwarded in writing to the applicant not later than the date that is 30 days after the date of the decision.
- (B) *Standards.* The Zoning Board of Appeals shall not approve the issuance of a Tree Removal Permit pursuant to this Section 94.407 except upon making each of the findings of fact set forth in Section 94.407(B)(1) of this Chapter and at least two of the findings of fact set forth in Section 94.407(B)(2) of this Chapter:
- (1) *Mandatory Findings.*
    - (a) Removal of the Heritage Tree will not alter the essential character of the neighborhood;
    - (b) Removal of the Heritage Tree will not be materially detrimental to the public welfare or injurious to the enjoyment, use, development or value of other property or improvements in the neighborhood;
    - (c) Removal of the Heritage Tree will not impair an adequate supply of light and air to adjacent property, increase the danger of fire, impair natural drainage or create drainage problems on adjacent properties, endanger the public safety, nor substantially diminish or impair property values in the neighborhood;
    - (d) There are no practicable alternatives to the proposed removal of the Heritage Tree, given the nature of the property and any proposed improvements to the property; and
    - (e) Removal of the Heritage Tree necessary for reasonable use of the property.
  - (2) *Selective Findings.*
    - (a) Removal of the Heritage Tree is necessary due to a hardship that has not been created by any person presently having a proprietary interest in the property, and is not the result of any action or inaction of the owner;
    - (b) Removal of the Heritage Tree is not requested merely due to the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or applicants of other lots within the zoning district in which it is located, nor merely due to a desire to make more money from the property, but upon a desire to facilitate the applicant's reasonable use of the property;
    - (c) Removal of the Heritage Tree is necessary due to unusual circumstances unique to the property, and that are not generally applicable to other property within the same zoning district; and/or
    - (d) The particular physical surroundings or topographical condition of the property (including, without limitation, the presence of an existing use, structure, or sign, whether conforming or legally non-conforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions) results in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the Heritage Tree were not removed.

- (C) *Tree Replacement.* The applicant for a Tree Removal Permit approved pursuant to this Section 94.407 shall provide all replacement trees required pursuant to Section 94.403(C) of this Chapter.

(Ord. 71-09, J. 35, p. 255-279, passed 12/14/09)

Sec. 94.408. - Reserved.

**Editor's note**— Ord. 11-00, J. 26, p. 087-098, passed 2/28/00; Ord. 56-03, J. 29, p. 203-209, passed 9-22-03; Repealed and Reserved by Ord. 71-09, J. 35, p. 255-279, passed 12/14/09.

Sec. 94.501. - Fertilizers Containing Phosphorus. [Effective June 1, 2010]

- (A) *Definitions.* Wherever the following words or phrases are used, they shall, for purposes of this Section 94.501, have the meanings ascribed to them in this Section 94.501(A), except when the context otherwise indicates.

*Fertilizer* shall mean a substance containing nitrogen, phosphorus, potash or any other recognized plant nutrient element or compound which is used primarily for its plant nutrient content. "Fertilizer" shall not include the following natural products: agricultural limestone, sea solids, or unprocessed manure that have not been chemically manipulated, altered, or changed; burnt or hydrated lime; sewage sludge produced by any sanitary treatment facility; or pesticides that are used pursuant to the Illinois Pesticide Act of 1974 or the Standard Pest Control Act, as may be amended.

*Fertilizer containing phosphorus* shall mean any fertilizer, whether liquid, granular, or solid, which contains any amount of inorganic phosphorus or other compound containing inorganic phosphorus, including, without limitation, phosphate.

- (B) *Use Prohibited.* No person shall apply to any area within the City any fertilizer containing phosphorus, except in the following circumstances:

- (1) Fertilizer containing phosphorus may be applied to turf and lawn areas in which the ambient phosphorus content is below median phosphorus levels for typical area soils, pursuant to the following:
  - (a) No fertilizer containing phosphorus shall be applied pursuant to this Section 94.501(B)(1) except upon the prior written approval by the City Forester of a soil test, submitted by the applicant at its sole cost and expense, confirming the ambient phosphorus content of the turf or lawn area to which the applicant proposes to apply fertilizer containing phosphorus.
  - (b) Fertilizer containing phosphorus shall only be applied pursuant to this Section 94.501(B)(1) at a volume or concentration of phosphorus necessary to permit the turf or lawn area to contain phosphorus levels equal to the median phosphorus levels for typical area soils.
  - (c) Fertilizer containing phosphorus applied pursuant to this Section 94.501(B)(1) shall be integrated into the soil so that it is immobilized and generally protected from loss by stormwater runoff.
  - (d) Fertilizer containing phosphorus shall only be applied pursuant to this Section 94.501(B)(1) in accordance with any and all conditions imposed by the City Forester in his or her sole and absolute discretion.
- (2) Fertilizer containing phosphorus may be applied for agricultural uses, vegetable and flower gardens, trees and shrubs, and indoor plants.
- (3) Fertilizer containing phosphorus may be applied to newly established turf or lawn areas during their first growing season.



- (4) Naturally occurring phosphorus in unadulterated natural or organic fertilizing products, such as yard waste compost, biosolids or other similar materials that are organic in nature, may be applied at any location within the City.
- (C) *Required Posting of Signs.* Any person, firm, or corporation who sells any fertilizer at retail shall be required to post a sign or signs at the point of sale or display for fertilizer, which sign shall (1) be clearly readable, (2) be conspicuously posted within each aisle containing fertilizer for sale at retail, and (3) contain the following text: SECTION 94.501 OF THE HIGHLAND PARK CITY CODE RESTRICTS THE APPLICATION OF FERTILIZER CONTAINING INORGANIC PHOSPHORUS TO LAWN OR TURF AREAS IN THE CITY.
- (D) *Penalty.* Any person who violates any provision of this Section 94.501 shall be fined in an amount no less than \$200.00 and no more than \$500.00 per offense. Each day on or during which any person violates any of the provisions of this Section 94.501 shall constitute a separate and distinct offense.

(Ord. 72-09, J. 35, p. 280-283, passed 12/14/09) (Section 94.501 added by Ord. 72-09, J. 35, p. 280-283, passed 12/14/09)

#### ARTICLE V. - REPEALER AND PENALTY

##### Sec. 94.998. - Repeal of conflicting ordinances.

All ordinances or parts of ordinances in conflict with the provisions of Sections 94.001 through 94.045 are hereby expressly repealed. The provisions hereof shall be deemed to supersede and repeal the provisions of an ordinance entitled "An Ordinances Prohibiting the Planting, Setting Out or Maintenance of Trees, Shrubs or Other Plants in the Public Streets and Parkways in the City of Highland Park", passed April 21, 1947 and recorded April 22, 1947.

(Ord. 23-65, J. 6, p. 86, passed 7/12/65).

##### Sec. 94.999. - Penalty.

- (A) Whoever violates any of the provisions of Sections 94.001 through 94.045 shall be fined in the amount set forth in the Annual Fee Resolution.
- (B) Whoever violates any of the provisions of Sections 94.100 to 94.140 shall be fined in the amount set forth in the Annual Fee Resolution. Each day during which a violation of such Sections continues or is permitted shall be construed a separate and distinct offense. Imposition of any penalty for a violation shall not be construed as a waiver of the right of the City to collect the costs of removal of such nuisances in accordance with the provisions of such Sections, when the City has removed such nuisances in accordance with provisions of Sections 94.100 to 94.140.
- (C) Whoever violates any of the provisions of Sections 94.320 or 94.330, or who shall interfere with the execution or enforcement thereof, shall be fined in the amount set forth in the Annual Fee Resolution for each shrub or tree not provided as therein required.
- (D) Whoever violates any of the provisions of Sections 94.403 through 94.406 shall be punished by a fine of in the amount set forth in the Annual Fee Resolution for each such violation. A separate and distinct violation shall be deemed to have occurred for: (1) each Protected, Key or Heritage Tree unlawfully Removed, unlawfully Damaged, and/or not replaced in violation of Sections 94.403 through 94.406; and (2) each day that such violation exists.
- (E) Whoever violates any of the provisions of Section 94.407 shall be punished by a fine in the amount set forth in the Annual Fee Resolution for each such violation. A separate and distinct violation shall be deemed to have occurred for: (1) each Heritage Tree unlawfully Removed, unlawfully Damaged, and/or not replaced in violation of Section 94.407; and (2) each day that such violation exists.

(Ord. 1016, J. 4, p. 1016, passed 9/23/57; Ord. 23-65, J. 6, p. 86, passed 7/12/65; Ord. 14-69, J. 7, p. 314, passed 3/10/69; Ord. 23-73, J. 10, p. 707, passed 5/29/73; Ord. 11-00, J. 26, p. 087-098, passed 2/28/00; Ord. 56-03, J. 29, p. 203-209, passed 9-22-03; Ord. 71-09, J. 35, p. 255-279, passed 12/14/09; Ord. 33-14, J. 40, p. 99-102)

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 9:20 AM  
**To:** Norwood, Karen  
**Subject:** FW: Wilmette Tree Ordinance

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**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Monday, November 15, 2021 4:54 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: Wilmette Tree Ordinance

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**From:** Heather Palmer <[heatherpalmer00@gmail.com](mailto:heatherpalmer00@gmail.com)>  
**Date:** Sunday, November 14, 2021 at 7:46 AM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Cc:** tom palmer <[tomkpalmer@gmail.com](mailto:tomkpalmer@gmail.com)>  
**Subject:** Wilmette Tree Ordinance

Hello Wilmette Land Use Committee Members,  
My name is Heather Palmer and I've lived in Wilmette since 1992. I am emailing to request that you strongly support a robust tree ordinance once again for our village.

I am always surprised to be reminded by friends and colleagues who do not live in Wilmette how much they love our town because of the trees. Visitors frequently remark how beautiful our old trees are and how much they contribute to the community feel of our village. They remark that the community feels old and settled and homey. As someone who lives in a neighborhood with many tear-downs, I have seen how readily contractors cut down virtually every tree on a house lot to make way for easy development of large houses. I would sincerely like more thought to go into the too-easy and often unnecessary removal of our town treasures.

In 2000, my husband and I moved into our second Wilmette home which was built around 1912 and sits on a property whose backyard held 4 huge, old oaks and a shag-bark hickory. We mourned having to cut down one of these trees this past year that had died. We suspect another of these oaks is not far behind. Knowing how hard it is to lose even an old tree that has lived out its time, it is sad to think that developers are given little pushback or deterrent from removing other remaining 50-100 year old trees. The interests of community members who live here and cherish the trees should carry more weight than the profit-seeking developers who wish only to clear lots, put up houses, and leave.

Thank you for considering measures that will keep the canopy and all the benefits that trees provide.  
Sincerely,  
Heather Palmer  
1335 Gregory Ave.

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 9:20 AM  
**To:** Norwood, Karen  
**Subject:** FW: Land Use Committee: Importance of Strong Protections for the Village Trees

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**From:** Michele Thorne <thornemh@aol.com>  
**Sent:** Tuesday, November 16, 2021 7:04 AM  
**To:** Barrow, Peter <barrowp@wilmette.com>; Dodd, Kathy <doddk@wilmette.com>; Kennedy, Gina <kennedyg@wilmette.com>; Comment, Public <publiccomment@wilmette.com>  
**Subject:** Land Use Committee: Importance of Strong Protections for the Village Trees

Dear Village of Wilmette Trustees serving on the Land Use Committee,

I appreciate the opportunity to share my concerns regarding the preservation of trees in Wilmette. I urge you please to listen to our advocates from Go Green Wilmette and their recommendations on rules to preserve our trees.

We often forget that just as Houston is a coastal community, so is Wilmette. Houston has been prone to dramatic water control issues. Houston has suffered from poor planning and a short term growth mentality, excess real estate development, removing natural areas, chipping at the coast, and extracting minerals and ground water.

Similarly, in the 27 years that I have lived in Wilmette, over development has been constant. It does not take an engineer or an environmentalist to know that there will be problems when we fill in the spaces where water is meant to go and fail to maintain the tree and plant growth.

Without trees, rain runs off soil and into rivers and the lake, raising the water levels. Trees help keep soil in place. Their roots soak up water. Even trees' leaves help prevent flooding. When raindrops bounce off them, the water doesn't hit the ground as hard.

We finally addressed at great taxpayer cost the issue of stormwater, an issue that has been on the village's plate for some fifteen years or more. We also know that the changes likely will not fully address all the stormwater problems in the future. Trees are part of the long term solution.

In addition, trees produce oxygen, with larger, older trees being the most productive. Trees remove pollutants from the air. Trees reduce building energy use by lowering temperatures and shading buildings during the summer, and blocking winds in winter.

I support strong protections for our village trees.

On a related note, I urge the Land Use Committee to re-evaluate its rules for building construction. It's my observation that the overall size of individual homes in Wilmette seems to have doubled over time, as have the sizes of nonresidential buildings. Newer homes are not only wider and longer, but deeper and higher. Driveways and patios seem to have expanded. Newer homes are built on elevations above older homes, with grades that punish residents preserving older structures at original grade. If we are to preserve tree roots and canopies, we must have better long term construction rules.

A bigger budget is not a better village. More real estate development does not improve us. Sustainability is a long term process that resists the influences that demand constant growth.

Thank you for your service.

Sincerely,  
Michele H. Thorne  
1215 Cleveland Street  
Wilmette, IL 60091

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 11:36 AM  
**To:** Norwood, Karen  
**Subject:** FW: Improving the Tree Ordinance

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**From:** Dodd, Kathy <doddk@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 11:17 AM  
**To:** Braiman, Michael <braimanm@wilmette.com>  
**Subject:** Fwd: Improving the Tree Ordinance

Sent from my iPad

Begin forwarded message:

**From:** Robert Sawyer <[rsawyer922@gmail.com](mailto:rsawyer922@gmail.com)>  
**Date:** November 16, 2021 at 9:50:12 AM CST  
**To:** "Dodd, Kathy" <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Improving the Tree Ordinance

Dear Trustee Dodd,

Trees are as important to Wilmette's character as the lake shore. Please do whatever you can to continue to keep Wilmette's abundance and variety of trees.

Charles Sawyer  
922 Forest Ave.

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 11:36 AM  
**To:** Norwood, Karen  
**Subject:** FW: Please strengthen our tree ordinance

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**From:** Dodd, Kathy <doddk@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 11:16 AM  
**To:** Braiman, Michael <braimanm@wilmette.com>  
**Subject:** Fwd: Please strengthen our tree ordinance

Sent from my iPad

Begin forwarded message:

**From:** [mwitwer@att.net](mailto:mwitwer@att.net)  
**Date:** November 16, 2021 at 9:51:54 AM CST  
**To:** "Barrow, Peter" <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, "Dodd, Kathy" <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, "Kennedy, Gina" <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Please strengthen our tree ordinance

Greetings,

I just received an email from Go Green Wilmette describing our inadequate tree ordinance.

I have lived in Wilmette for 30 years and I love trees. They not only enhance the beauty and value of property, they provide shade, habitat and carbon storage.

With climate change causing more damage every year, we have to reduce emissions and reduce carbon in the atmosphere. Trees help absorb and store carbon.

I used to live in the 2100 block of Washington Ave. and I remember when a new large house was being built next to my house, they removed the most beautiful maple tree I have ever seen.

Several of us in the neighborhood were heartbroken. I don't think the new homeowners had even had a chance to see what an amazing tree that was. It was tall, had a perfect shape and displayed gorgeous leaves every fall.

This magnificent tree was destroyed just because the people wanted a BIG house on a deep but fairly narrow lot.

Please help save our trees from this kind of wanton disregard for natural beauty.

Thank you,  
Martha Witwer



**Meeting Date:** November 16, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager

**Subject:** Additional Agenda Material #4

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The following material is enclosed as additional agenda material for the November 16, 2021 Land Use Committee meeting regarding tree preservation policy:

1. Resident Emails

*Emails received through Tuesday, November 16 at 3:30 are attached.*



**From:** [Roberts, Lisa](#)  
**To:** [Braiman, Michael](#)  
**Subject:** FW: About the Proposed Revisions to the Tree Ordinance  
**Date:** Tuesday, November 16, 2021 1:31:05 PM

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FYI

Lisa Roberts, AICP  
Assistant Director of Community Development  
Village of Wilmette



Telephone (847) 853-7529  
Fax (847) 853-7701

---

**From:** John Larson <jal1862@gmail.com>  
**Sent:** Tuesday, November 16, 2021 1:30 PM  
**To:** Barrow, Peter <barrowp@wilmette.com>; Dodd, Kathy <doddk@wilmette.com>; Kennedy, Gina <kennedyg@wilmette.com>; Roberts, Lisa <robertsl@wilmette.com>  
**Subject:** About the Proposed Revisions to the Tree Ordinance

Everyone,

I grew up in Wilmette from 1967-1986, and my husband and I have lived here since 2002, in the same house.

We have noticed that the Village tends to make Ordinances and other decisions about trees and other plants that do not consider 1. what plants and trees are best in a particular setting (we used to have a honey locust a few feet from our living room and basement, and it threatened the walls!), 2. which will nurture and boost a given ecosystem, and 3. which would add beauty and be useful for beneficial insects, wildlife, and/or people.

Please take note of these considerations when you revise the current Ordinance. Making it harder to address problematic plantings does not help anyone. Instead, we need to consider all the factors I have listed. My husband grew up in rural Illinois and has developed a healthy organic yard for us, beneficial insects, and other wildlife.

Thank you,

Nicole Larson  
2639 Marian Lane

**From:** [Comment, Public](#)  
**To:** [Norwood, Karen](#); [Braiman, Michael](#)  
**Subject:** FW: Support for Updates to Village Tree Ordinances  
**Date:** Tuesday, November 16, 2021 3:16:55 PM

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**From:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Sent:** Tuesday, November 16, 2021 3:16 PM  
**To:** Comment, Public <[publiccomment@wilmette.com](mailto:publiccomment@wilmette.com)>  
**Subject:** FW: Support for Updates to Village Tree Ordinances

---

**From:** GINA KENNEDY <[gina.b.kennedy@comcast.net](mailto:gina.b.kennedy@comcast.net)>  
**Date:** Tuesday, November 16, 2021 at 3:06 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Fwd: Support for Updates to Village Tree Ordinances

----- Original Message -----

From: Tina Schultz <[tschultz511@gmail.com](mailto:tschultz511@gmail.com)>  
To: Gina <[gina.b.kennedy@comcast.net](mailto:gina.b.kennedy@comcast.net)>  
Date: 11/15/2021 11:25 AM  
Subject: Support for Updates to Village Tree Ordinances

Dear Gina - I am writing in support of the village's efforts to update our current tree ordinances. It's so important to protect our village trees and to make sure we treat them as infrastructure - just like our sewers and roads. I am not able to attend the upcoming Land Use meeting, but I fully support your efforts to protect our trees with newer ordinances. Thank you for all you do for the village!

Sincerely,  
Tina Schultz

511 15th St. Wilmette



**Meeting Date:** November 16, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager

**Subject:** Additional Agenda Material #5

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The following material is enclosed as additional agenda material for the November 16, 2021 Land Use Committee meeting regarding tree preservation policy:

1. Resident Emails

*Emails received through Tuesday, November 16 at 4:00 are attached.*

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 3:53 PM  
**To:** Norwood, Karen  
**Subject:** FW: Advocating for a strong tree ordinance

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**From:** Dodd, Kathy <doddk@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:36 PM  
**To:** Braiman, Michael <braimanm@wilmette.com>  
**Subject:** Fwd: Advocating for a strong tree ordinance

Sent from my iPhone

Begin forwarded message:

**From:** saima abbasi <[saimaabbasi523@gmail.com](mailto:saimaabbasi523@gmail.com)>  
**Date:** November 16, 2021 at 3:18:57 PM CST  
**To:** "Kennedy, Gina" <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>, "Dodd, Kathy" <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, "Barrow, Peter" <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** Advocating for a strong tree ordinance

Dear Gina, Kathy and Peter,

I'm a resident of Wilmette since 1994. One of the reasons, I moved to Wilmette is because of the beautiful mature trees that give this town its charm and character.

Over time, I've come to appreciate not only the immense beauty of trees but have learned so many environmental benefits that they provide. Well respected organizations like Chicago Region Trees Initiative, Openlands and Morton Arboretum are advocating for stronger tree ordinances. They are also working hard to educate and train people to protect, maintain and preserve trees. These organizations understand the value of strong tree policies that will ultimately help our municipalities better cope with climate change.

In 2013, I started the October tree walks for Go Green Wilmette. Over the years, these tree walks have given me an opportunity to talk to so many of our residents about trees. One thing that I have learnt is that: **People in Wilmette care about their trees.** I know that they will support the Village and the Village board in their efforts to strengthen our current tree ordinance.

I strongly support strengthening Wilmette's tree ordinance so that it is more consistent with the ordinances of our forward-thinking neighboring communities. Thank you for understanding

the value of trees as a critical infrastructure. Only a strong tree ordinance can ensure protection of our trees.

Thank you for the time and effort you all are putting into this very important undertaking!

Sincerely,  
Saima Abbasi

1812 Wilmette Ave  
Email: [saimaabbasi523@gmail.com](mailto:saimaabbasi523@gmail.com)  
Mobile: +1.847.274.7239

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:46 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Wilmette trees

---

**From:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Sent:** Tuesday, November 16, 2021 3:46 PM  
**To:** Comment, Public <[publiccomment@wilmette.com](mailto:publiccomment@wilmette.com)>  
**Subject:** FW: Wilmette trees

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**From:** Kira Brecht <[ksb2003@sbcglobal.net](mailto:ksb2003@sbcglobal.net)>  
**Date:** Tuesday, November 16, 2021 at 7:42 AM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Wilmette trees

Hi,

I've lived in Wilmette for 17 years.

One of the things I value most about our beautiful village is our wide expanse of trees.

I support increasing protections around our current trees -- please make it more difficult for developers to cut down trees when they build new properties.

Thank you.  
Kira Brecht

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:48 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Tree Preservation

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**From:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Sent:** Tuesday, November 16, 2021 3:47 PM  
**To:** Comment, Public <[publiccomment@wilmette.com](mailto:publiccomment@wilmette.com)>  
**Subject:** FW: Tree Preservation

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**From:** katherine byrnes <[katherinebyrnes@sbcglobal.net](mailto:katherinebyrnes@sbcglobal.net)>  
**Date:** Tuesday, November 16, 2021 at 8:25 AM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Tree Preservation

Dear Gina,

I'm not sure I can attend the Land Use Committee meeting tonight so I'm writing to tell you that I strongly support revising our tree preservation policy to make it more robust to avoid neighbors and developers and the Village from removing the tree canopy (unless dead/decayed). Trees provide so much to the community not just shade (natural cooling in summer and protection against skin cancer) and colorful beauty, but trees also provide habitats, store greenhouse gases, absorb stormwater, and more!

Thanks for your consideration,  
Katherine Byrnes  
911 Elmwood Ave, Wilmette



## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:48 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: In favor of a stronger tree ordinance in Wilmette

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**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:47 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: In favor of a stronger tree ordinance in Wilmette

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**From:** Daniel Cohen <cohdane@gmail.com>  
**Date:** Tuesday, November 16, 2021 at 7:57 AM  
**To:** Dodd, Kathy <doddk@wilmette.com>, Barrow, Peter <barrowp@wilmette.com>, Kennedy, Gina <kennedyg@wilmette.com>  
**Cc:** Annie Finnegan <anniefinnegan@live.com>  
**Subject:** In favor of a stronger tree ordinance in Wilmette

Dear Trustees,

Thank you for your intention to draft a strong tree ordinance for our Village, relative to the ordinances of neighboring communities on the North Shore. I live at 930 Oakwood in Wilmette, surrounded by mature trees, and I am writing to express my vigorous support for the strongest possible protection for mature trees. I hope to attend the meeting tonight, but in case I can't make it, here are my comments for your consideration.

Many of the arguments in favor of tree protection center around property value and quality of life in Wilmette, arguments which are very appropriate and obviously within the purview of the Land Use Committee. When our family first moved to the area after living in New England, we were seeking a landscape with some varied topography and an abundance of foliage, and the tree-lined streets of Wilmette were very attractive to us. Surveys suggest that mature trees have a substantial beneficial impact on the value of residences and on economic development. Equally important, however, is the value of mature trees from an environmental perspective. It is by now no secret that climate change due to greenhouse gas emissions is having a very real impact on the whole planet, Wilmette included, and this impact will get worse before it gets better. From this perspective, mature trees are an essential component of mitigation. A single mature tree captures about 48 pounds of carbon dioxide per year (ref: <http://www.tenmilliontrees.org/trees/>). Its extensive root system is critical for reducing runoff and erosion, which will be increasing problems as extreme weather events become the norm in this region (witness those Venice-like flooded streets we have seen here in recent years). In addition, the canopy cover which is such an important metric in our ordinances provides shade which will be increasingly valuable as average summer temperatures continue to rise over the coming years.

From a general ecological perspective, mature trees are essential to the health of our community. Their extensive root systems, grown over many decades, filter pollutants and substances such as chemical runoff from lawns and gardens, keeping them out of our waterways. Furthermore, a mature tree is a vital ecosystem, providing food and shelter for myriad insects and animals, including important and threatened pollinators.

For all of these reasons, mature trees are one of our most important natural resources. It is also obvious that a newly planted tree is no substitute for a felled mature tree. There is simply no way to replace the loss of a tree that may have been growing for a hundred years or more, and is in every way a part of the local environment. I am encouraged by your

clear intention to do the right thing for Wilmette and our planet, and I urge the trustees to draft the strongest possible ordinance in protection of mature trees.

Thank you for all you do on behalf of our Village.

Your neighbor,

Dan Cohen

930 Oakwood Avenue

(847) 251-5201

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:44 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Urging you to support a strong tree ordinance

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**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:42 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: Urging you to support a strong tree ordinance

---

**From:** Beth Drucker <[druckerbeth@gmail.com](mailto:druckerbeth@gmail.com)>  
**Date:** Tuesday, November 16, 2021 at 12:53 PM  
**To:** Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Urging you to support a strong tree ordinance

Dear Kathy, Peter and Gina:

I have lived at 2500 Greenwood Avenue in Wilmette for 33 years. When I moved in, my block was graced by an archway of very large, mature trees. A friend who visited, who was a committed city dweller, commented the first time he visited that the one thing that might prompt him to move to the suburbs was the sort of tree cover we enjoyed on my block. I will never forget his appreciation for trees that many take for granted.

Alas, most of those stately old trees have died or been taken down in the last three decades and we now have a block lined with young trees that will take decades more to replicate the canopy we used to enjoy.

Because of this, and so many other reasons, I hope you will do all you can to ensure that Wilmette enacts a strong tree ordinance that will protect those old trees and replace the ones that absolutely must be taken down.

Thanks for all your attention to this matter. I know it is just one of many, many Wilmette issues vying for your time and efforts.

Beth Drucker

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:44 PM  
**To:** Braiman, Michael; Norwood, Karen  
**Subject:** FW: Wilmette Tree Ordinance

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**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:41 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: Wilmette Tree Ordinance

---

**From:** Susanna Epp <[susanna.s.epp@gmail.com](mailto:susanna.s.epp@gmail.com)>  
**Date:** Tuesday, November 16, 2021 at 12:27 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>, Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** Wilmette Tree Ordinance

Dear Trustees Barrow, Dodd, and Kennedy,

As Wilmette residents who care deeply about our community, we are glad that you are considering revisions to Wilmette's tree ordinance at your meeting of the Land Use Committee this evening. Like many who took trees for granted, we have become increasingly conscious of their crucial role in preserving the well-being of our environment.

At your meeting this evening, we, therefore, urge you to adopt the kind of strict tree ordinance similar to those in other nearby communities, such as Winnetka, Glenview, and Highland Park. These are designed to protect individual trees and preserve tree canopy, especially the large, native trees characteristic of the North Shore.

We know you have given careful study to this issue and are grateful for your work.

Sincerely,

Susanna and Helmut Epp  
808 Ashland Ave  
Wilmette, IL 60091

## Norwood, Karen

---

**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:44 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Tree Ordinance

---

**From:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Sent:** Tuesday, November 16, 2021 3:43 PM  
**To:** Comment, Public <[publiccomment@wilmette.com](mailto:publiccomment@wilmette.com)>  
**Subject:** FW: Tree Ordinance

---

**From:** saima abbasi <[saimaabbasi523@gmail.com](mailto:saimaabbasi523@gmail.com)>  
**Date:** Tuesday, November 16, 2021 at 10:17 AM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Tree Ordinance

Date: November 16, 2021  
To: Land Use Committee  
From: Go Green Wilmette  
Re: Tree Ordinance

Dear Village Trustees,

Thank you for all the time and effort that you and Village staff are putting in to improve Wilmette's current tree ordinance. A new, improved ordinance will demonstrate a forward-thinking approach to better equip our community for climate change and the resulting challenges. Treating our trees as critical infrastructure will benefit the community now and for many years to come.

Go Green Wilmette believes that Wilmette needs a more robust tree ordinance to preserve and protect our trees on public and private property. According to the Chicago Region Trees Initiative, 70%- 80% of Wilmette's trees grow on private property. With a stronger tree ordinance, we can preserve and expand Wilmette's tree canopy and receive the significant benefits that trees have to offer to the entire community.

We believe that Wilmette's greatest natural asset is its number of mature trees. The value of mature trees to a local ecosystem adds up to much more than a calculation of its contribution to canopy coverage. Trees provide many benefits to our town in

addition to aesthetics including mitigating stormwater runoff, cooling our towns during heatwaves, and providing valuable habitat for birds and beneficial insects.

Urban forests are often the last thing funded or protected in a community. A well thought out tree ordinance will ensure that our urban tree canopy will provide us the benefits that our community needs to cope with future environmental challenges.

An ordinance is the toolbox and all the sections in an ordinance are the tools. Any ordinance is as good as its tools. A well-crafted tree ordinance is essential to protect, preserve and manage our urban forests. Let's provide our Village with the tools we need to protect our trees by improving the ordinance now.

Wilmette's sustainability plan recommends that we adopt Chicago Region Trees Initiative's (CRTI) gold standard tree ordinance. CRTI's recommendations have been developed over many years by our region's leading tree experts. CRTI asks municipalities to treat trees as critical infrastructure, and care for them the same way they care for our streets, sewers, and waterlines. Go Green Wilmette supports the recommendation in Wilmette's sustainability plan to adopt CRTI's gold standard tree ordinance.

Our current tree ordinance is not enough to support, protect and preserve our valuable tree canopy. Wilmette routinely sees builders and contractors cut down trees from the entire lot to make room for new construction or a large addition. This is allowed by our current tree ordinance, as long as a 35% tree canopy policy is fulfilled after construction. It turns out that for most lots, just one shade tree is enough to meet the 35% requirement.

Many of our neighboring towns have stronger and more robust tree ordinances including Lake Forest, Lincolnshire, Glenview, Winnetka, and Highland Park. These towns also have requirements and special status in their tree ordinances to protect mature old growth trees like 100-year-old oaks and elms. These communities regard trees as critical infrastructure and have put ordinances in place to protect this important resource. After reviewing their ordinances, Go Green Wilmette recommends these specific recommendations:

### **Situate Wilmette's tree ordinance in one place:**

Any new ordinance should be clear and easy to understand. We and others have found our current ordinance difficult to use, particularly because the rules on trees are in different parts of the Village Code.

### **Clear purpose and intent:**

We recommend that the ordinance begin with a section that states its purpose and establishes the Village's commitment to trees and the community benefits they provide.

**Definitions:**

We suggest that the new tree ordinance include a list of explanatory definitions, so that residents and others can more easily understand the terms in the ordinance, many of which are specific to forestry.

**Protected Trees:**

We recommend that all trees with a DBH (diameter at breast height) of 6" or greater on private property be subject to the protections set forth in the ordinance and be called "Protected Trees." Wilmette's sustainability plan recommends that the Village adopt the CRTI Gold Standard tree ordinance, which uses 6" DBH. Invasive trees like Buckthorn, Tree of Heaven and other invasive trees should not be considered protected trees.

**Heritage and Key Trees:**

Certain species of trees warrant even greater protection. These trees are designated in many other village ordinances as Heritage, Legacy, or Key Trees and deserve special protection because they are valued more highly for their environmental, habitat, or historical value.

**Tree Survey:**

We recommend that the ordinance require a tree survey to be filed with the Village as part of the permit application process prior to construction or remodeling.

**Tree Replacement:**

If protected trees that are not diseased, dying, or dangerous are removed under the rules of the ordinance, property owners should be required to replace trees.

**Tree Bank:**

We recommend that the ordinance create a Tree Bank. Many of the ordinances we examined, as well as CRTI's gold standard ordinance, recommended establishing one. The idea is that when trees are removed, but there is not enough space on the property to accommodate the required number of replacement trees, the homeowner would be required to place funds into a tree bank equal to the cost of those trees that they are unable to place on their property. Those funds can be used to enhance our town's tree canopy.

**Involve the Village Foresters:**

Our well-trained and experienced ISA-certified Village Foresters should be part of the construction planning process from the beginning, because their job is to protect and preserve trees. The trees of our Village suffer when the forester is not engaged in this process from the start.

We commend the Village for taking the time and effort to improve our current tree ordinance. Let's join the towns, cities and countries around the world who are using trees as effective tools to cope with climate change by protecting them with strong policies now.

**On behalf of Go Green Wilmette's Board of Directors:**

Beth Drucker, President

Saima Abbasi, Kathryn Calkins, Linda Kurtz, Nancy Pavkovic, Amy Hanna Downey, Tina Schultz, Nicole Boomgaarden, Marcia Heeter, Margaret Martin Heaton, Debbie Saad, Enid Smith and Carolyn Lvoff

**Go Green Wilmette Tree Preservation Committee:**

Saima Abbasi, Committee Chair

Kathryn Calkins and Linda Kurtz, Go Green Wilmette Board Members

Anne Nagel and Piper Rothschild, Community Advisors

--

Saima Abbasi

Board member, Go Green Wilmette

TreeKeeper, Openlands

Email: [saimaabbasi523@gmail.com](mailto:saimaabbasi523@gmail.com)

Mobile: +1.847.274.7239



## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:46 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Wilmette tree ordinance

---

**From:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Sent:** Tuesday, November 16, 2021 3:45 PM  
**To:** Comment, Public <[publiccomment@wilmette.com](mailto:publiccomment@wilmette.com)>  
**Subject:** FW: Wilmette tree ordinance

---

**From:** Mary Kaczmarek <[marykaczmarek@gmail.com](mailto:marykaczmarek@gmail.com)>  
**Date:** Tuesday, November 16, 2021 at 7:29 AM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>, Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>  
**Subject:** Wilmette tree ordinance

Please adopt the more robust Wilmette tree ordinance!!! We are losing a lot of trees in my neighborhood.

Thanks, Mary Kaczmarek

## Norwood, Karen

---

**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:52 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Support tree ordinance

---

**From:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Sent:** Tuesday, November 16, 2021 3:51 PM  
**To:** Comment, Public <[publiccomment@wilmette.com](mailto:publiccomment@wilmette.com)>  
**Subject:** FW: Support tree ordinance

---

**From:** Mary Kaplan <[mary.kaplan@sbcglobal.net](mailto:mary.kaplan@sbcglobal.net)>  
**Date:** Tuesday, November 16, 2021 at 9:20 AM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Support tree ordinance

Ms. Kennedy,

Thank you for your efforts to save the trees of Wilmette. I think it is shameful that builders can cut down gorgeous mature trees only to replace them with twigs that may provide shade in twenty year. Mature tree removal should be a last resort because of the damage it causes to the environment and the beauty of the community.

Regards,

Mary Kaplan  
847-256-7935

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:52 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Strengthening Wilmette Tree ordinance

---

**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:52 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: Strengthening Wilmette Tree ordinance

---

**From:** Nora Kropp <[norakropp@hotmail.com](mailto:norakropp@hotmail.com)>  
**Date:** Tuesday, November 16, 2021 at 9:08 AM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Strengthening Wilmette Tree ordinance

Dear Peter Barrow, Kathy Dodd, Gina Kennedy,

I grew up in Wilmette, left for 20 years and came back to raise my children and be close to my aging parents. Trees in Wilmette add to the quality of life and help combat rising temperatures due to the climate crisis. I am in full support of strengthening Wilmette's Land Use and Tree Ordinances even if it is unpopular with land developers. Land developers are not known for their stewardship of the natural landscape that protects us from floods, carbon emissions etc... I urge the Land Use Committee to strengthen Wilmette's tree ordinance to protect individual trees and preserve tree canopy and specific provisions to protect the large, native trees characteristic of the North Shore.

Thank you,  
Nora Kropp

Valley View Court, Wilmette

## Norwood, Karen

---

**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 3:53 PM  
**To:** Norwood, Karen  
**Subject:** FW: Wilmette Tree Ordinance

**From:** Marie-Christine Le Bihan <[mclebihan@sbcglobal.net](mailto:mclebihan@sbcglobal.net)>  
**Date:** November 16, 2021 at 11:38:28 AM CST  
**To:** "Barrow, Peter" <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, "Dodd, Kathy" <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, "Kennedy, Gina" <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Wilmette Tree Ordinance

Dear Trustees,

As a seventeen year resident of Wilmette, I would like to voice my support for strengthening our local tree ordinance in order to preserve tree canopy and protect the large native trees characteristic of the North Shore. The large, old trees that make Wilmette such a wonderful place to live deserve to be protected for the benefits they provide to residents and the environment, such as absorbing stormwater, reducing air and noise pollution, mitigating climate change by storing carbon and providing cooling shade which reduces energy costs. On my property I have seen changes in water runoff and excessive heat making a back patio less usable as surrounding lots have been cleared of trees to make way for new construction, when more thoughtful planning and building could have made new houses and existing trees possible on the same properties. The small trees that are planted on these properties will take generations to reach anything close to the trees that were taken down. I urge you to take steps to protect Wilmette trees so future generations can enjoy the beauty and benefits they provide.

Thank you,

Marie Le Bihan  
1506 Washington Ave  
Wilmette

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:47 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: tree ordinance

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**From:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Sent:** Tuesday, November 16, 2021 3:46 PM  
**To:** Comment, Public <[publiccomment@wilmette.com](mailto:publiccomment@wilmette.com)>  
**Subject:** FW: tree ordinance

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**From:** Carla Lindsay <[hideeeho@earthlink.net](mailto:hideeeho@earthlink.net)>  
**Date:** Tuesday, November 16, 2021 at 7:54 AM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** tree ordinance

I support a more vigorous tree ordinance. Perhaps modeled on the ones used by Winnetka or Glenview. Carla Lindsay, 808 Chestnut Ave.

## Norwood, Karen

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**From:** Braiman, Michael  
**Sent:** Tuesday, November 16, 2021 3:53 PM  
**To:** Norwood, Karen  
**Subject:** FW: Wilmette Tree Ordinance

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**From:** Dodd, Kathy <doddk@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:36 PM  
**To:** Braiman, Michael <braimanm@wilmette.com>  
**Subject:** Fwd: Wilmette Tree Ordinance

Sent from my iPhone

Begin forwarded message:

**From:** Carolyn Lvoff <[carolyn.lvoff@gmail.com](mailto:carolyn.lvoff@gmail.com)>  
**Date:** November 16, 2021 at 2:22:30 PM CST  
**To:** "Dodd, Kathy" <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, "Kennedy, Gina" <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>, "Barrow, Peter" <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** Wilmette Tree Ordinance

Good Afternoon Trustees,

Thank you for all that you do for our village. Since our family will not be able to attend the meeting this evening, we wanted to email our full support for a stronger tree ordinance. We have lived here for over a year and we've seen many healthy trees cut down and not replaced. Trees are very important to our community and we look forward to seeing this reflected in the village tree ordinance.

Thank you for your time,  
Alex and Carolyn Lvoff  
2817 Birchwood Ave.

Sent from my iPhone

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:41 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Wilmette Tree Ordinance

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**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:41 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: Wilmette Tree Ordinance

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**From:** Karen Dexter Rolison <[karendexter@ameritech.net](mailto:karendexter@ameritech.net)>  
**Date:** Tuesday, November 16, 2021 at 12:35 PM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>, Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>  
**Subject:** Wilmette Tree Ordinance

Thanks so for your attention to one our most important resources, our trees.

I believe that trees make a community. Our Wilmette tree canopy is one of our most distinguishing characteristics . I believe we actually protect private property rights by protecting our trees. The value of our properties is immeasurably enhanced and increased by our older trees. Each time I leave the area and then return home, I literally breath a sigh of relief at the site of our trees and how they protect and beautify our community.

As a protector of our land and people, Wilmette should be a leader in code enforcement. The most strict tree removal policy and enforcement should be the rule. Replacing an old healthy tree with multiple young trees is not the answer. We need our old trees. It takes decades for young tree to provide the shade and health benefits and beauty of their elders.

I would vote for the most strict policy possible, including:

Substantially increase the cost of tree removal permits; Raise the cost of removal without permit , by 10 times the permit cost . Make it simple, cost for all trees, unless certified dead by the Village, (which is a lesser fee). Heritage Trees shall be excluded and removal disallowed.

Insist on the building footprint for all new construction not interfere with Heritage Trees or trees over a certain size within a certain # of ft from the center of the building itself.

All new construction plans shall include indication of existing trees and shall be reviewed and approved or disallowed by the Land Use community, as well as the normal zoning committee approvals.

Thank you so for all your work and time on enhancing our Village by supporting our Trees.

*Karen Dexter Rolison  
847.269.7108  
Romona Rd, Wilmette*

*"what do fireflies say? That loneliness made of light becomes at last convivial singleness?" Frank Ormsby (thnks Barbara)*



## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:44 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Tree Ordinance

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**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:41 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: Tree Ordinance

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**From:** Candace Tesler <[teslerhouse@gmail.com](mailto:teslerhouse@gmail.com)>  
**Date:** Tuesday, November 16, 2021 at 12:17 PM  
**To:** Barrow, Peter <[barrowp@wilmette.com](mailto:barrowp@wilmette.com)>, Dodd, Kathy <[doddk@wilmette.com](mailto:doddk@wilmette.com)>, Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Tree Ordinance

Many nearby towns (Glenview, Winnetka, Highland Park and others) have stronger tree ordinances than Wilmette, designed to protect individual trees and preserve tree canopy. They include specific provisions to protect the large, native trees characteristic of the North Shore. Please make sure that Wilmette's tree ordinance will be as robust, or more so, than our neighboring communities. The many beautiful trees we have are one of the things that contribute to making our community so desirable, not to mention how trees absorb stormwater, store carbon (mitigating climate change), reduce air and noise pollution, and provide cooling shade (reducing energy costs). They also provide food and shelter for beneficial insects and birds.

Please do not let developers determine the makeup of our community's environment by removing 10" or larger trees for a mere \$29. No amount of money is worth what our trees provide.

Candace Tesler  
802 Westwood Lane, Wilmette

## Norwood, Karen

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**From:** Comment, Public  
**Sent:** Tuesday, November 16, 2021 3:50 PM  
**To:** Norwood, Karen; Braiman, Michael  
**Subject:** FW: Tree ordinance

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**From:** Kennedy, Gina <kennedyg@wilmette.com>  
**Sent:** Tuesday, November 16, 2021 3:50 PM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** FW: Tree ordinance

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**From:** Michael J. Tobin <[Fritzpup1@comcast.net](mailto:Fritzpup1@comcast.net)>  
**Date:** Tuesday, November 16, 2021 at 11:58 AM  
**To:** Kennedy, Gina <[kennedyg@wilmette.com](mailto:kennedyg@wilmette.com)>  
**Subject:** Fwd: Tree ordinance

Sent from my iPhone

Begin forwarded message:

**From:** "Michael J. Tobin" <[Fritzpup1@comcast.net](mailto:Fritzpup1@comcast.net)>  
**Date:** November 16, 2021 at 11:56:59 AM CST  
**To:** [barrowp@wilmette.com](mailto:barrowp@wilmette.com)  
**Cc:** [doddk@wilmette.com](mailto:doddk@wilmette.com)  
**Subject:** Tree ordinance

Hi Mr. Barrow! I met you on a Zoom meeting prior to the trustee election, and I am glad that you got appointed to the board. Looking at the meeting minutes I was alarmed to see one of the charts that indicated that in some new construction projects as many as 9-12 trees were cut down with 0-1 replacements because the canopy target was met. This makes me question the value of the canopy requirement. Also, it does not make sense to me that coverage from the public Parkway counts in the canopy calculation. I have seen a number of corner lots leveled, all the trees removed and no trees replanted. I presume these projects get by because of the Parkway trees or because of the pathetic "walls" of arbor vitae planted along the borders of these properties. So I am interested in changing to an ordinance that will actually protect trees and mandate replacement of those removed.

Mike Tobin  
611 8th Street  
Wilmette, IL 60091

Sent from my iPhone



1200 WILMETTE AVENUE  
WILMETTE, ILLINOIS 60091-0040

COMMUNITY DEVELOPMENT  
DEPARTMENT

(847) 853-7550  
FAX (847) 853-7701  
TDD (847) 853-7634  
EMAIL [comdev@wilmette.com](mailto:comdev@wilmette.com)

**NOTICE OF MEETING  
Of the  
LAND USE COMMITTEE OF THE  
BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE**

**Wednesday, December 15, 2021 at 10:00 A.M.  
Village Hall Council Chambers  
1200 Wilmette Avenue, Wilmette, Illinois**

**AGENDA**

- I. Call to Order**
- II. Approval of Minutes**  
Minutes of the Land Use Committee meeting of November 16, 2021
- III. Continue Discussion of the Village of Wilmette's Tree Preservation Policies**
- IV. New Business**
- V. Public Comment<sup>1</sup>**
- VI. Adjournment**

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<sup>1</sup> Members of the public that attend the above noticed meeting may address this public body during Public Comment. Members of the public that will not be attending the above noticed meeting may submit a comment in advance of the meeting by emailing their comment to [publiccomment@wilmette.com](mailto:publiccomment@wilmette.com). All emailed comments received two hours prior to the start of a meeting will be provided, unredacted, to the public body. Emails received at any time within two hours of the beginning of the meeting until its adjournment will be included in the draft minutes of the meeting.



**MINUTES OF THE LAND USE COMMITTEE  
TUESDAY, NOVEMBER 16, 2021  
7:00 P.M.  
COUNCIL CHAMBERS**

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Members Present: Trustee Peter Barrow, Chairman  
Trustee Kathy Dodd  
Trustee Gina Kennedy

Members Absent: None

Staff Present: Michael Braiman, Village Manager  
Lisa Roberts, Assistant Community Development Director  
Guy Lam, Deputy Director of Public Works  
Kevin Sorby, Village Forester  
Rob Wasley, Forester

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**I. Call to Order**

Chairman Barrow called the meeting to order at 7:30 p.m.

**II. Approval of the meeting minutes of the Land Use Committee meeting of October 21, 2021.**

Trustee Dodd moved to approve the minutes from the meetings of October 21, 2021. The motion was seconded by Trustee Kennedy. All voted aye. The motion carried.

**III. Continue Discussion of the Village of Wilmette's Tree Preservation Policies.**

Chair Barrow thanked Village Manager Mike Braiman and staff for the materials provided. He said the material is complex and difficult, but staff presented it in a way that is easy to understand. He said the data shows there has been meaningful tree loss since 2007 and reflects the consensus of residents that our current ordinances do not do enough to protect our existing trees or ensure meaningful replacement. He said tonight's objective is to

discuss and reach a consensus on the best way to address the issue. He said we need to recognize a resident's private property rights as well the many public benefits that are derived from all of our trees; whether on public or private land. He said this is not an exercise in generating revenue for the Village. He said while specific details on how to implement policies is an important topic, the Committee will deliberate that at a future meeting. He said this evening, staff will make a presentation and the floor will then be opened to Committee discussion on policy making and public comment. He said we have received close to 100 emails on the subject, which were overwhelmingly in support of providing robust protection for our trees.

Village Manager Mike Braiman first reminded the audience of the Village's campaign to rewrite the Comprehensive Plan and encouraged all to get involved in the process.

Mr. Braiman then gave a presentation (PowerPoint attached). He said tonight this will be a high level discussion on policy concepts and the approach to implement them. He said the details of those policies will be discussed at a future meeting, most likely in December. He said he would be reviewing tree removal data from 2019 and then discussing staff's policy ideas to gain Committee feedback.

He started with canopy coverage and said staff looked at what triggered the canopy coverage ordinance in 2019. He said we had good data on 26 projects, and they found more trees were removed than planted at a rate of 43 more trees removed than planted. He said 1,300" in tree diameter was the net loss. He said there is opportunity to strengthen the tree canopy ordinance to tighten this gap. He said in talking with colleagues from other communities, the key words were "net tree positive," which the Village of Wilmette is currently not. He said of the projects reviewed, there were 14 of the 26 that did not plant new trees. He said of the 14, 12 removed trees and were not required to replace with new trees, so there is also opportunity to strengthen those ordinances.

Mr. Braiman said they compared the number of dead, dying and diseased trees that were removed in 2019 to those in 2006. He said they chose 2006 because that was the year before our canopy coverage ordinance was put into place. He said the numbers went from 49 to 294 trees removed. He said they cross referenced those removals with construction permits for new homes, large additions and demolitions to see how many of those may have been due to construction. He said although they cannot say for certain, there is a connection. He said they found 48 trees removed in 2019 which could have been tied to a previous construction project since 2010. He said they plan on talking to the Village Foresters at the next meeting to discuss whether they feel our code contains enough regulations to protect our trees or if we simply need to be more proactive.

Chair Barrow asked when the Emerald Ash Borer disease was at its peak.

Mr. Braiman said 2006 or 2007 was the start of it.

Chair Barrow asked if we are still seeing trees removed currently due to that disease.

Village Forester Kevin Sorby replied there are still trees dying from it.

Mr. Braiman said in terms of canopy coverage, our current policy is triggered during new construction, large additions or demolitions where a tree is removed. He said when those triggers take place, those properties must have 35% canopy coverage at the time or plant new trees that at maturity would provide at least 35% canopy coverage. He said the ordinance is currently drafted such that parkway trees and trees on neighboring properties count toward the canopy coverage. He said that is why in the data discussed earlier, there may have not been new trees planted after construction.

He said there are bonuses to having certain trees on one's property; specifically, Hickory, Oak and Elm trees of a certain size receive a 1.5 times multiplier. He said if you have one of those trees on your property, it will generally get you to the canopy coverage, even if you remove other trees. He said if you are not able to meet the canopy coverage percentage, you will need to plant a new tree or trees that at maturity will meet the 35% threshold. He said on a typical 7,500 sq. ft. lot in Wilmette, this can be accomplished by planting one shade tree.

Mr. Braiman discussed how we compare to other communities. He said we are conceptually different as well as our trigger points. He said conceptually, we are the only ones who use the canopy concept. He said most are using what we have deemed the "inch-for-inch" concept whereby if you remove a 20" tree, you must replant 20 inches of tree or pay a certain price per inch removed.

He then said in other communities most ordinances trigger replacement requirements for the removal of a certain tree over a certain size while our triggers are only for new construction, demolition and certain additions. He said if you are a property owner and you wish to remove a 30" Oak Tree that is not associated with construction, you can do that with a \$29 permit fee with no other regulations in place. He said in other communities you may replant trees or pay a fee in lieu of planting new trees, but in Wilmette, you may be required to plant a tree or trees if you do not meet the 35% coverage. He gave an example in Winnetka where if you remove a 20" tree, you have to either plant 20" in new trees or pay about \$15,000 to a municipal tree fund which is used for tree plantings, pruning and removals. He said in Wilmette, if you remove a tree, you may have to plant a new tree at a cost of approximately \$400 depending on the canopy coverage at the time.

Mr. Braiman discussed tree protection for certain species, stating some communities have additional protections for key or heritage trees such as Oaks or trees of a certain size. He said some of these ordinances prohibit those removals under certain circumstances and some double the fees for removal. He said we have a bonus multiplier here in Wilmette.

Chair Barrow asked if the canopy requirements are triggered, what is the process in determining if there is sufficient canopy coverage without planting a new tree.

Mr. Braiman said the applicant must submit a canopy coverage worksheet that identifies the trees on the property, and the canopy is calculated at the drip line of the tree (leaves end). He said there is a radius calculation and a percentage. He said they submit an official document from a professional engineer stating the canopy coverage and whether or not it satisfies the 35% coverage requirement. He said staff reviews and approves, but generally does not send a forester out to verify, as we do not have the staff levels to do that. He said

for replacement trees, there is a list of acceptable trees for replacements, categorized by size. He said typically one of the larger trees off the list will satisfy the canopy coverage requirement.

Chair Barrow asked as far as measuring the canopy coverage at the time of the tree removal, is the Engineer also an arborist.

Mr. Braiman said no, but that is something that could potentially be discussed to be changed in the ordinance. He said some developers utilize an arborist in calculating canopy coverage.

Trustee Kennedy said it is her understanding that an engineer calculates the canopy coverage as part of the grading permit.

Mr. Braiman concurred and said the thought process behind making this a part of the grading permit was to ensure a licensed, professional engineer would provide accurate calculations.

He said we are very different from other communities in our tree preservation policies. He said staff consulted with the Chicago Region Trees Initiative (CRTI) who said Wilmette needs to focus particularly on minimizing the number of unnecessary removals and when a tree is removed, ensure regulations that ensure replacement to maintain or grow the canopy. He said the focus should be on tree preservation and not revenue generation. He said it may be a byproduct of the policies we create but not an end goal.

Mr. Braiman said we want our policy to be reasonable, easy to understand and to enforce. He showed a chart with proposed tree preservation goals and discussed tree removals, stating we do not have the mechanisms or incentives in place to discourage removals like other communities. He said it is fair to say we are not meeting the goal of minimizing tree removals, and our tree replacement policies are insufficient to keep up with tree loss. He also said the policies in general are difficult to understand, as they are complex. He said our policies are enforceable, but because we do not have the ability to assess the condition of a tree at the time of removal, we are not meeting the goals of enforcement. He said this is something we may want to consider amending in the Code. He said if a certified arborist is submitting a tree survey, they are also acknowledging the condition of the trees and whether they account for part of the canopy coverage.

Chair Barrow asked if this is something that the professional engineer does not give thought to currently.

Mr. Braiman said some do but it is not required. He said if our foresters are out on a demolition inspection and see a tree that is in poor condition, they will report that to ensure it is not counted in the canopy coverage calculations. However, he said this is not always the case.

Mr. Braiman then said our policy is reasonable according to our construction users such as developers and builders.

He said potential improvements to our policies have been identified within the canopy concept. He said the Committee will need to decide if the canopy concept is something we can work with after adjustments and improvements or if we want to move away from that toward an “inch for inch” concept similar to neighboring communities.

Mr. Braiman then discussed the potential improvements to the current policies. He started with idea that trees in the public right-of-way or on adjacent properties will not be counted in the canopy coverage calculations. He said the only trees that would count would be on the property itself. He said taking the condition of the trees on the property into consideration for the canopy coverage is also another suggestion. He said if the trees are dying or decaying, they should not count toward the canopy coverage. He also suggested requiring a certified arborist’s tree survey which would limit the necessity of a Village employee having to perform that function. He said it would also ensure an accurate and true calculation. He said if we stick with the canopy coverage concept, we may want to reconsider the threshold. He said the 35% threshold may be reconsidered to possibly increase in the future. Lastly, he suggested a new requirement of 2 new trees to be planted for every 1 removed in light of the struggle of trees to reach maturity in light of extreme conditions caused by construction. He said we could also eliminate the threshold and require an equal replacement of the total percentage of canopy that has been removed. He said these discussion points are for a future meeting should the Committee decide to continue with the canopy coverage concept.

He pointed out that our current policies only apply during development, and we do not meet the CRTI’s gold standard because of this. He said the gold standard is only for communities who apply these policies to all tree removals. He said if we stick with the canopy concept, we can wrap these policies with additional protections for trees outside of development. He said if this is the case, we will most likely need an additional forester. He said currently, we only have 2, which is not sufficient to go out to the hundreds of sites where there is a tree removal planned in order to assess the tree’s conditions and determine size, etc. He said the net cost of adding an additional forester would be approximately \$90,000 and the new employee would handle tree protection inspections on a proactive basis, review tree canopy removal and permits as well as assist residents with private property questions on trees.

He said if the Committee feels that regulations outside of development are appropriate, the next meeting will include discussions on how to structure that. He asked if we want to extend the canopy concept to all tree removals or prohibit removal in certain circumstances like building setbacks. He said whenever you have a situation where you prohibit something, there must be an appeal process in place to give an opportunity for the homeowner to provide justification for the removal of the tree. He said in some neighboring communities, the replacement requirements are more stringent. He said we can take a look at that possibility as well. He said these main concepts are up for discussion at tonight’s meeting.

He then showed a slide depicting the next steps and said there will be ample opportunity for the public’s feedback throughout the process.

Chair Barrow said while we do not want to get into the minutia of a 35% canopy versus a



50% canopy threshold, he suggested moving to a broader canopy coverage policy whereby parkway and neighboring trees were not factored into the calculation and the threshold increased or an existing threshold on a particular property is so different than what we currently do. He asked the Trustees if they felt this is a sufficient change to our current canopy approach.

Trustee Dodd said she feels it is important to understand that because we are not meeting our tree preservation goals currently, it is not due to the canopy coverage ordinance currently in place. She said it is because we are not doing some things we potentially should. She said our current policies are only triggered during construction so no matter what other policies we put in place, even if we switch to an inch-for-inch policy, if we continue to keep the triggers only during construction, we will have the same issues. She also said she does not feel that having a fee in lieu of replacing a tree does anything to protect trees; it only grows the financial fund to which the fees are deposited. She said she wants to be sure people understand the limitations of our current policies are not all tied to canopy coverage.

She said CRTI evaluates communities based on canopy coverage, and when she looks at Wilmette, she sees the canopy and not the number of trees. She said our goal is to try and meet CRTI's goals for all communities and they are based on canopy coverage, which is why she is leaning toward continuing with the tree canopy coverage concept.

Chair Barrow said when you are flying into O'Hare and look down over Wilmette, the predominate thing you see is the green color from the trees. He said that beauty is what defines the North Shore, and he agrees with Trustee Dodd that our current ordinance is flawed. He said the Committee needs to explore with the community if we can make changes to the ordinances to affect the changes we want to see. He said while our surrounding communities may be doing something different, it is not always accomplishing the results we want to achieve.

Trustee Kennedy concurred with Trustee Dodd that our current ordinance limits the triggers to construction. She said that means that many of the tree removals in the community are outside the scope of our ordinance. She said she also agrees with Chair Barrow that canopy should be the goal; however, she believes whether you use a canopy measure or inch for inch concept, the end result will be the same. She said she thinks the inch-for-inch approach is easier to understand because it is easily measured. She said when you have a small lot, where you can put a tree is limited by various factors such as overhead and underground utilities, neighboring tree overhangs and the fact you cannot plant a new tree where the old one was removed. She said on a small lot, that could be difficult. She said charging fees in lieu of replanting trees may be effective in that the money collected from a small lot that was unable to plant another tree may be used to plant a tree elsewhere in the Village which will sustain the canopy coverage overall. She said she likes the inch-for-inch approach. She said replacement on the property is the first goal; however, if a certified arborist says a tree cannot be planted on the lot, then the replacement fee to be used somewhere else is a good alternative in those situations.

Mr. Braiman said that is a good point. He said if we enhance the replacement concept, that could allow for planting of a tree elsewhere. He said it would need to fit our community's

individual needs.

Trustee Kennedy said this method is easy to understand, easy to administer and will achieve the end result of maintaining or growing the tree canopy. She said she does not notice that Winnetka has a lesser canopy than Wilmette, and they have been using the inch-by-inch metric for years.

Trustee Dodd said she appreciates Trustee Kennedy's point of view. She asked the foresters if someone removes trees and replants to maintain the canopy, which metric do they think is better for a community like Wilmette that has smaller lots.

Mr. Braiman said we realize that we are limited in the number of trees that can be replanted on a smaller lot. He said in a circumstance where you cannot replant on that lot, the fee is going into a tree fund where it will be used to plant a tree some place else in the community. He said currently we have 75,500 parkway trees. He said the deficit of trees lost from not replanting is 100. He said the goal is to replant as much as we can within the lot allowance and in the parkway. He said there are no other places to plant trees within the community so at that point, the fee just becomes a payment to the Village that will be used for future tree plantings, budgets or pruning. He said it is possible to also utilize these funds in a tree grant program, which is one of the proposed incentives. He said that is one way to take those fees to buy trees to give to residents to plant on their property. He said that is the next opportunity to increase the canopy.

Trustee Kennedy said currently, if a resident removes a dead or diseased tree, they are not required to replant a tree. She said the fund could be used in these instances to encourage replanting of these trees.

Trustee Barrow said the funds could also be used to replace invasive trees.

Mr. Braiman reminded everyone the Village's policy is to replace any parkway tree that is removed, whether it be from storm damage, disease or otherwise. He said there is a 50/50 program if they want it replaced sooner with a specific tree from the list. He said the goal is to replace everything that is removed in the next few years to erase the deficit we currently are experiencing.

Trustee Kennedy said that process has slowed down in recent months.

Mr. Braiman concurred and said it was due to the pandemic and staffing shortages, but the hope is to utilize reserves to hasten the program this year.

Trustee Kennedy said the money will not sit and become a slush fund. She said this will be used for good forestry practices and the replacement of trees that would not otherwise be replaced.

Trustee Barrow said he finds the ease of the inch-for-inch approach to be favorable. He said trying to guess what canopy is going to look like 10 to 30 years from now is probably foolish. He said we have charts that tell us that information, but he questions whether we really know what Wilmette's trees are going to look like 30 years in the future. He said the

canopy approach requires that you do that.

Trustee Kennedy said we live in an old community where everything, including the trees are showing their age. She said we need to look down the road instead of looking at the immediate situation.

Chair Barrow opened up the floor to public comment.

Stephen Later of 515 Greenleaf Avenue thanked Mr. Braiman for his excellent presentation. He asked how we are defining maturity.

Rob Wasley, Village Forester, said size at maturity is a good gauge.

Trustee Kennedy asked how maturity is determined for this calculation.

Mr. Wasley said it is fairly subjective; however, there is a publication that lists tree species and their characteristics which it utilized as a standard guide.

Mr. Braiman said the goal in reviewing minutes from the Land Use Committee in 2007 was to restore the canopy and set a 10-year target for when it will be achieved. However, he said the time span could possibly be different between tree species. He said if we stick with the canopy concept, we may want to discuss how long we are willing to wait to reach canopy coverage minimums. He said if we do not wish to wait a long period of time, new requirements to plant more trees may be necessary. He said these are the detailed discussions to be had once we decide the direction we will take.

Chair Barrow asked if the chart depicted in the agenda materials is based on optimal planting.

Mr. Wasley concurred.

Chair Barrow asked if this varies by species.

Mr. Wasley said yes and gave the example of planting a Hackberry Tree. He said at maturity, you would achieve approximately 1,600 sq. ft. of canopy coverage. He said if you have a lot that has 25% coverage currently, you could plant one large shade tree and probably achieve the 35% requirement. He said if there was less and he wanted to plant a Burr Oak or Honey Locust, you could get approximately 2,500 sq. ft. of canopy coverage.

Mr. Braiman said the variability is based on how fast the tree grows and how big it gets. He said that is how they are grouped into categories.

Trustee Kennedy asked if 15 to 30 years was a good estimation for a tree to reach maturity.

Mr. Wasley concurred and said size and age are not related. He said the range is wide.

Chair Barrow said this also relies on optimal planting and care of the tree.

Mr. Wasley agreed and said the tree species has much to do with all that.

Mr. Later said he does not feel canopy coverage is a sufficient approach to tree preservation. He said we should also be pursuing tree preservation outside of demolition and construction. He also said the Village has the ability to condemn a tree but currently there is no requirement to replant a new tree if the condemned tree is removed. He said he feels there is room to make a new requirement to replant a new tree in these cases. He said some of these condemned trees are not so much diseased as possibly not properly cared for. He said there may be an opportunity here for encouraging/compelling property owners to maintain the existing trees. He said the 500 block of Greenleaf would be a good block to examine for all these issues he has raised.

Chair Barrow said an important point about education has been raised and this will be addressed through this process. He said he feels a robust plan for public education regarding tree preservation will come as a result of these deliberations.

Trustee Dodd agreed but said it is important to keep in mind that the Village's policy not only needs to be clear and easy to understand and administer, but it also needs to be cost effective. She said we can educate people but cannot enforce what is going on at every private residence. She said we have over 17,000 public trees and approximately 80% of those may be located on private property. She said we have 2 foresters who are extremely busy already. She said we will be limited as to what we can do to monitor and enforce what people do on private property.

Trustee Kennedy concurred.

Chair Barrow agreed and said we must stress the education, as it is the best tool we have.

Mr. Braiman said we will discuss this further in December, as it is an important component of our overall policy. He said this has already begun via our communication and social media outlets.

Piper Rothschild, 1046 Elmwood Avenue, thanked the Committee for their service and for re-examining of the tree preservation ordinances. She said she has met with a few residents and has prepared a few documents for the Committee's consideration. She said the first is a chart comparing the inch-for-inch approach with the canopy coverage approach. She said the goal of a tree preservation ordinance should be for tree protection, the promotion of canopy coverage as well as the diversity of species. She said we have learned much more about trees since the tree preservation ordinance was adopted in 2007. She said trees are more than an aesthetic item; they offer ecological benefits to the entire community. She said we each have a stake in preserving our existing trees as well as planting trees for the future generations of the community. She said canopy is an important tool to analyze how our trees are doing. She said our tree canopy was 48% in 2007 and decreased just 3 years later to 45%. She said canopy is better suited to measure our tree health and coverage. She said this should be monitored periodically with measures being taken to prevent further canopy decline. She said canopy coverage alone is not a sufficient mechanism to prevent removal of existing mature trees or maintaining diversity of tree species. She said our current ordinance allows developers to clear an entire lot of existing trees as long as they ultimately replant trees that will reach 35% canopy, but as we all know, saplings do not

offer the tremendous benefits of mature trees. She said she believes inch-for-inch is a more effective tool, as it is more objective and easily understood. She said it is recommended in the Sustainability Plan which was just adopted and is the industry standard, as it best protects existing trees. She said they only found a few towns across the nation that utilize canopy coverage, and none seemed to have data to indicate its effectiveness. She said our ordinance has been in effect for 14 years, but we only have hard data from 1 year and that data shows canopy coverage is not effective in protecting existing trees. She said she does not believe the inch-for-inch method will significantly hinder property development. She said Wilmette will continue to be attractive for development. She said we must pay attention to the quality of our trees as well. She said while our ordinance calls for replanting in certain cases, it does not specify what types of trees and with the canopy requirements, property owners may go for one specific tree, such as a Sugar Maple, due to its large canopy at maturity. She said this will deter diversity in our tree species and leave us vulnerable to diseases and insect infestation. She said no matter what method we choose; we must provide worthwhile incentives to maintain diversity. She said we must also require robust replacement for trees removed and implement strict reporting requirements and compliance measures to ensure protection of the tree canopy. She said our Oaks are worth special attention and protection in our ordinance, as they provide massive ecological benefits and support 500 species of wildlife. She said pre-settlement, Wilmette was an Oak savannah but currently, the Oak is not a usual choice for planting due to their size and the acorns. She said hopefully our ordinance will contain incentives to plant these types of trees.

John Anderson, 227 Greenleaf, said he is a former Environmental and Energy Commission member and has directed the Nature Conservancy Great Lakes Program. He said he works with leaders on this topic. He said our ordinance should contain stipulations for species diversity as well as restrictions on invasive species. He said native plants should be considered and hiring an ecologist is recommended. He said planting trees that support wildlife such as the Oaks is encouraged. He said the ecologist can guide the Village and the neighboring communities. He said there are many experts living within the community who can assist in this area and he encouraged the Committee to consider channeling their expertise. He said we need a master landscape architecture plan to guide the community. He closed by thanking the Committee for their work.

Steve Leonard, 1035 Mohawk Road, said he has been a Wilmette resident for 35 years. He said they moved into their current home 18 years ago and at that time had a beautiful canopy on the north and south. He said to the west there was a monster hedge of old Conifer Trees, which were beautiful and provided privacy. He said 2-3 years ago, the home was sold, and the new owners removed the trees (approximately 20) and planted sod. He said it was a travesty. He requested the Committee include a communication mechanism triggered by an application or permit for tree removal that allows the neighbors impacted to have a voice to express their concerns with the property owner.

Chair Barrow said his own family had a similar experience in the Kenilworth Gardens neighborhood where he lives.

Julie Wolf, 1202 Lake Avenue, echoed Ms. Rothschild's comments, stating there is importance in incentivizing saving trees and keeping native species, particularly the Oaks, as they are ecologically beneficial to the community. She said we lost a few parkway trees which we were able to replace with Swamp White Oaks that are doing well, and she thinks

we need to continue this practice. She said the inch-for-inch is a very good way to go because it is easy to measure. She said when you plant a tree, it may not make it while an established tree that is protected can provide not only canopy coverage, but it may be home to some birds or squirrels, which is important to the ecology of our community. She said she thinks the Committee is heading in the right direction and she is very supportive.

Diane Schaffner, 2326 Birchwood Avenue, said her neighborhood is undergoing development, as smaller houses are being converted into larger ones. She said she loves the suggestion to allow neighbors to participate in the permit process. She said she received a notice for a grading permit on a neighboring house but received nothing ahead of the developer clearcutting the entire lot, which was very upsetting. She asked if there are consequences for violations of our ordinance or if are they being considered as part of the new ordinance.

Mr. Braiman said this was discussed previously and there are penalties in place for removing a tree without a permit. He said they are more significant for removing a parkway tree; however, they are approximately \$1,500. He said we have assessed a handful over the last few years. He said they receive many calls verifying permit status for trees being removed, and in our experience, there is usually a permit. He said if there is not, the ordinance is enforced.

Ms. Schaffner also recommended suspending licenses for contractors for their infractions. She said she agrees with the inch-for-inch method, but if the Committee goes with the canopy coverage method, she suggests accounting for the canopy loss and perhaps increasing the percentage. She then thanked the Committee for their work on this topic.

Stephanie Vanwinkle, 2624 Kenilworth Avenue, said she thinks it is fantastic that this ordinance is being reviewed, as we are way behind our neighboring communities. She said it has been interesting to review the different concepts. She said if you keep the canopy concept, you cannot count trees on adjacent properties but possibly parkway trees. She said diversity should also be a goal. She also said she had 3 Ash Trees on her property which the Village wanted to remove. She said one tree was diseased and she agreed to have that removed. She said she treated the other 2 trees, and they are still on her property today. She said it is important to work on the non-development trees and it is possible the inch-for-inch method may be prudent in these cases. She also said she is concerned about large trees, as the amount of carbon stored in a tree directly coincides to its size. She said on average, carbon makes up half of a tree's dry weight. She said if you have 60' tree that has been there for 100 years, it is storing a lot of carbon.

Alan Golden, 2516 Laurel Lane, said he thinks the inch-for-inch plan and paying into some type of fund could be beneficial. He said it is good for small-sized lots, as if he had to take a tree out, it would be difficult to find a place to put another tree. He said the fee may also discourage some unnecessary removals during construction. He said the policies should trigger for any tree removals, not just ones done because of construction or demolition. He asked if there has been any communication between the Village and Park Board regarding their upcoming Comprehensive Master Landscape Plan for all their parks. He also asked if the Park District is bound by the Village's tree policies.

Mr. Braiman said other local governments are required to abide by the tree protection ordinances but in certain cases, not the canopy ordinance. Regarding enforcement, he said we can in certain cases, enforce these policies in reference to other governmental entities. He said for instance, if the Park District wanted to remove a tree to install a slide or other recreational equipment, we could not stop that, as that is furthering their own mission. He said alternatively, if a school wants to remove a tree for no specific reason and not to further their educational policies, our enforcement could apply. He said the approach that has been taken throughout the Neighborhood Stormwater Project is that the Park District and schools should be making decisions relative to their operations and their property, as they have their own elected Boards responsible to the same constituents. He said it has been a successful approach. He said in regard to the Comprehensive Landscape Master Plan planning process, the Park District has requested our participation and we have attended some meetings, but it is not the Village's place to dictate what they should be doing. He said the Village has a very good collaborative relationship with the Park District.

Beth Drucker, 2500 Greenwood Avenue, said she was speaking on behalf of the Board of Go Green Wilmette. She thanked the Committee for their time and effort to improve the tree ordinance. She said it is a complicated matter, but a new and improved ordinance will make for a better approach to equip our community for climate change and the resulting challenges. She said treating our trees as critical infrastructure will benefit the community now and for years to come. She said Go Green Wilmette believes Wilmette needs a more robust ordinance to protect trees on both private and public property. She said according to CRTI, 70 to 80% of trees grow on private property in Wilmette. She said with a stronger ordinance that includes those trees, we can further expand the canopy and receive the benefits trees will provide the entire community. She said the Wilmette Sustainability Plan recommends following the Chicago Region Trees Initiative Gold Standard Tree Ordinance that has been worked on for years by Chicago's leading tree experts and is based on an inch-for-inch replacement model. She said they ask municipalities to treat trees as critical infrastructure and care for them and fund them the way they care for streets, sewers and water lines. She said Go Green Wilmette recommends following the suggestions in the Sustainability Plan to adopt the CRTI's Gold Standard Ordinance. Ms. Drucker said they support protecting trees outside of development and support the idea of funding additional Village Foresters. She said while education is important, enforcement and strong policy is the most important thing. She closed by saying in her experience, ordinances based on fees and fines as a disincentive are not effective. She said Wilmette homes sell for millions of dollars, and the cost of a fee or fine may be viewed as the cost of doing business in Wilmette. She commended the Committee for their time and said she feels confident Wilmette will adopt a strong ordinance to keep Wilmette a tree-positive community that surrounding communities can model upon.

Claire Massey, 132 Maple, said she agreed with Chair Barrow's comments regarding flying into O'Hare and seeing the iconic tree canopy in Wilmette. She thanked the Committee for their work on the issue. She asked the Foresters how many trees are planted in the parkway in a non-pandemic year.

Kevin Sorby, Village Forester, said 220 or so.

Ms. Massey said she thinks she has had 2 that died in the first year of planting on her block due to non-watering. She asked if there is a percentage that do not make it based on a lack

of maintenance.

Mr. Sorby said there is a certain percentage that will be lost, but the goal is to obviously maintain as many as possible.

Ms. Massey said she planted 2 trees and made every effort to keep them going. She said since we do not have much control over private property, maybe the new ordinance will better protect the parkway trees from issues like drought.

Mr. Sorby said watering is just one factor in the success of a new tree.

Mr. Braiman said we attempt to target a 5% loss ratio.

Amy Hanna Downey, 1033 Greenleaf Avenue, said she studied conservation in college, is a part of Go Green Wilmette and works in the solar industry. She said she walks her dog in the neighborhood and over the summer noticed that nearly everyday they either heard or saw a large tree being cut down, which was devastating. She said in the last few weeks she has seen some big, beautiful oak trees with their trunks sliced in half waiting to get picked up. She said we need to understand that these large trees are not replaceable; we would need to wait 150 years. She said instead of focusing on replanting new trees, we need to focus on saving established trees, which are so valuable. She said there is a particular developer working in the community that bulldozes entire lots, packs the soil down and plants 2 Maple Trees in the front that are very small. She said if they take out 3 150-year old Oak Trees and plant 2 very small Maple Trees, the Village considers the canopy coverage requirement met. She said the 1-1 comparable is not even. She said possibly talk to the contractors and limit them in some way to avoid taking full advantage of our current ordinance in order to remove these beautiful established trees. She said the canopy map from 2010 is outdated. She asked to make one for 2021 to compare because she feels they will be drastically different, possibly as much as 10%. She said this is important because in another 10 years, things will be way too different.

Chair Barrow asked Mr. Braiman to speak to the updated canopy information we are expecting.

Mr. Braiman said CRTI is in the process of updating that canopy coverage information and he is hoping to get that in the 1st quarter of 2022, but the timeline is not definite.

Walter Keats, 2514 Laurel Lane, said this morning we heard some noise and out on the Playfield, they were supposedly pruning the trees near Highcrest. He said they chopped down 2 of them that they said were dead. He said the Village is in a strong financial position so hiring more Foresters is something they can do. He said this is not something that we should rely on the status quo. He said resources should be allocated to ensure tree protection goes ahead. He said there should be a prioritization of what type of trees can be removed, particularly the Oaks. He said in talking about tree preservation, we need to be sure we are budgeted to be able to maintain the existing trees.

Mr. Braiman said maintenance of the existing trees has been enhanced in the FY 2022 Budget. He said they are improving the pruning cycle and have also implemented a



program to bring a contractor in to prune younger trees to aid in their survival.

Laurie Farrell, 857 Michigan Avenue, said collaboration between the Park District and Village is encouraged. She said she lives on a lot that is barely a half-acre and her front yard has an amazing tree that could never be replaced. She encouraged the Village to work collaboratively with the Park District on the open available land because she said it is easier to control that large parcel than to overburden the individual homeowner. She said it is a knit-picky approach, but she feels it is an important one. She said she feels there has been historic deforestation on some of the Park District properties, Gillson Park, particularly.

Chair Barrow encouraged the public to voice their concerns over Park District property at the Park Board meetings. He said he thinks they are the folks able to respond more satisfactorily.

Katie Liederbach, 624 Linden Avenue, said she supports everything Beth Drucker said. She said Mr. Braiman said we know that Oak Trees and newly planted trees struggle in land that has been disturbed by construction. She said maybe we can do something to place more rules for contractors to avoid this situation. She said strengthening the rules regarding ground disturbance is worth looking into. She said it affects more than tree survival. She also asked if we know the exact cause for the dead, dying and diseased trees listed in the report. She asked if we do know, were the neighbors informed in an effort to thwart the spreading of disease. She said she has 7 Oaks on her property and when a neighbor's tree has an infestation or infection, they work together as a neighborhood to treat all the trees together to prevent the loss of any tree.

Chair Barrow asked the Foresters if when you determine a tree has an infestation or disease, what is our protocol and process for notification.

Mr. Braiman said the data in the report is self-reported so they cannot guarantee the accuracy or the disease causes.

Mr. Sorby said the notification process for parkway trees is a letter that includes information on the tree removal. He said for Emerald Ash Borer and Dutch Elm disease, the neighbors are informed as well. He said we do not notify the entire neighborhood; however, if there are issues that could potentially affect an entire area or community, we will utilize e-news or some other media outlet to notify residents and provide information.

Trustee Kennedy said she has had an experience with dying trees in her neighborhood and she called the Foresters who came out to look at the trees on her property. She said they were able to determine it was not an issue, as what killed the other trees was not relevant to her trees. She said the Foresters are extremely responsive and any resident can call to request a visit.

Mr. Sorby said there are many different things that are looked at in determining the threat to other trees in an area.

Franck Lebihan, 1506 Washington Avenue, thanked the Committee for their efforts. He said zoning requirements could help limit what contractors can remove when working on a

lot. He said all tree removals should be subject to review and the permit process. He asked if the Committee has considered a combination of inch-for-inch and canopy coverage methods. He said the inch-for-inch is better for enforcement and rule setting, but canopy is a good consideration for a measure of progress over time. He said it does not need to be either/or. He said tree preservation should be about more than just the removal of trees. He said there should be requirements for pruning and maintenance and how this should be done depending on the tree species and size. He also said for dead and diseased trees, there is an ecosystem, so perhaps, we should consider leaving the trunks to support the insects they hold which is a food source for birds and the like. He said attempts to treat before removing is also imperative.

There was no further public comment on the topic.

Chair Barrow said we can achieve our objectives to produce a robust tree canopy. He said he thinks we can obtain this via either approach, and he is impressed with the simplicity of the inch-for-inch approach. He said it can be understood by residents and developers alike and he places value in the fact that surrounding communities are using this approach. He said he strongly feels that whatever we do should have application to both public and private lands. He said when we think of inch-for-inch, we should consider incentives for planting the most desirable species of tree, which a number of our neighboring communities are doing. He said this is not a revenue generating exercise and payments to a tree fund should be the last resort. He said if a property can carry one or more new trees as a result of tree removal, he does not think a choice of paying into a fund in lieu of planting a tree is something the Village should encourage.

Trustee Kennedy said she agreed that our ultimate goal is to preserve and enhance the tree canopy. She said she feels the inch-for-inch approach is easier to understand and implement and will get to our goal faster than the canopy approach, since there is a longer wait time for the trees to reach maturity in the canopy approach. She said inch-for-inch, you have a greater chance the trees will survive given the number that will be planted. She said it can also be used to preserve the canopy on an existing lot. She said we require 35% coverage and sometimes, we are losing more than that on a given lot so by using inch-for-inch, we will get back what was removed. She said while she realizes, we will need to have financial penalties in place for enforcement and deterrence, the goal is not raising revenue to line our coffers. She said the money brought in should be put into a fund for the very purposes we are working toward. She said she is in favor of having landmark or heritage trees and making it harder to take those trees down without extremely extenuating circumstances. She said she is in favor of financial fees in cases where a tree simply cannot be replanted due to lot size constraints. She said we should encourage every effort to replant; however, if they cannot, the fee can be used to plant a tree elsewhere. She said we need to devote more resources to enforcement, which we are already working on. She said the penalties should be more than the cost of doing business. She said if penalties are too light, it just gets built into the cost of doing business here. She said if there is no penalty, the suspension of the contractor's license could be another mechanism. She said we need programs in place for those having difficulty affording a replacement tree or the cost of taking down a dead or diseased tree so they will be able to replace them. She said replacing trees is expensive and for some it is prohibitive. She said if we offer some financial assistance, we will get better replacement trees.

Trustee Dodd said she appreciates the simplicity of the inch-for-inch approach, but she is struggling with a few things. She said if someone is taking out a medium to large size tree on a smaller lot and can only plant one new tree, she prefers they replace it with a tree that over time creates more canopy. She said she wants to ensure the quality of the trees being replanted.

Trustee Kennedy said the canopy coverage requirement only says the tree or trees on a lot must reach a 35% coverage requirement at maturity, which can take 25 years or more. She said inch-for-inch ensures you get more coverage because you are most likely planting more trees.

Trustee Dodd said she planted 3 pear trees which provide no canopy coverage. She asked if when replacing a tree with another tree, how do we ensure we will get the coverage we need.

Trustee Kennedy said we can put language in the ordinance that says they need to pick a tree from a preferred list and the list could contain trees that would provide plenty of canopy coverage. She said this would provide for diversity and trees for all lot sizes.

Trustee Dodd said if you are only allowed to replace one tree, your options of what you can plant is limited. She asked if this list makes it easier.

Trustee Kennedy said yes, the list has considerable options, which can consist of trees recommended for parkway use, etc.

Mr. Wasley said the difference in species is necessary to accommodate different lot situations, such as size, utility equipment, etc.

Mr. Braiman said our canopy ordinance currently contains a list of approved trees, which can be reviewed for any necessary updates. He said if we had another Forester whose main job is to manage the tree preservation program, there is more opportunity to interface with the homeowner on the appropriate tree for that lot. He said currently, we do not have the ability to do that.

Trustee Dodd said she understood that but was saying that Committee members in favor of the inch-for-inch were saying it was easier to implement; however, if you use that method and the require homeowners to interface with a Forester to pick a tree from a list, that becomes somewhat complicated. She said education for protecting and maintaining trees is a priority of the Committee so she feels that explaining canopy through this process is something that can be done. She said canopy coverage is something that could be part of the public education. She said she is not convinced that the inch-for-inch concept is the easiest.

Trustee Kennedy said in order to determine what canopy you get from each tree planting; you would need to speak to a Forester. She said most of the ordinances for canopy require a certified arborist to sign off on. She said it is not simple. She said inch-for-inch is easiest to understand and the planting of multiple trees in lieu of one gives you the likelihood of the survival of more trees. She also said you can vary the trees via the inch-for-inch

concept, and it allows more canopy to be created ultimately because more trees are planted. She said we have been losing canopy over a long time period under the current ordinance, which is based on the canopy coverage concept. She said using the inch-for-inch approach gets more canopy down the road.

Chair Barrow said Village-wide the number of trees and canopy will increase given the inch-for-inch approach.

Trustee Dodd said she loves the incredibly old, beautiful 100+ year-old trees. She said she knows they need time to grow but wants to encourage residents to plant these kinds of trees. She said we do not want to be short-sighted and take increased canopy coverage now using the inch-for-inch method. She said she would rather wait on the growth of some newly planted large canopy producing trees that would be planted today.

Trustee Kennedy and Chair Barrow concurred.

Chair Barrow said that speaks to having different standards and procedures when dealing with those extraordinary trees.

Trustee Kennedy said we could create a category of large heritage type of trees where the standards would be different or more restrictive.

Trustee Dodd said she can get behind the inch-for-inch concept. She said she agrees this is not a revenue generating initiative, but she wants to be sure that we have enough money in the budget to implement these proposed ordinance changes. She said as we think of fees and things of that nature, as stewards of the Village's finances, we must acknowledge we will need additional staff so our fees should help us finance this program. She said for trees on private property, we need to put more restrictions on what is happening in terms of taking down trees. She acknowledged it is difficult to tell someone they cannot improve their property because there is a tree on the property. She said she wants to ensure we protect property owners' rights. She said people already feel government is overstepping into private matters, so we need to find the balance.

Trustee Kennedy said that is a good point. She said it could be that people may not even give the issue much thought. She said maybe relaxing some of our setback requirements to allow a large tree to stay in place may be something we can do. She said 25 years ago, a local architect built a house in a U-shape around an existing beautiful, large tree. She said she ran into him recently and he was explaining they used sonic equipment to find the roots and put the pilons for the foundation accordingly. She said this was all done using a little creativity instead of just removing the tree and building a box. She said in many cases, a little creativity can preserve existing trees.

Trustee Dodd agreed and said we need to take a look at some of these developers that are coming in and just razing lots to see if we can work with them to be a little more creative.

Chair Barrow concurred and said if we are going to have limitations on what homeowners can do, we need a procedure in place as we do with zoning variances so concerns can be raised, and appeals filed with decisions made by responsible people.

Trustee Dodd said she has thoughts on the fees and penalties but will speak to those at an appropriate meeting in the future.

Trustee Kennedy said we all have some thinking to do and will have more comments, which we will address at our next and subsequent meetings. She said issues raised today will need refining and thanked everyone in the audience for their feedback and enthusiasm. She thanked staff and fellow Committee members as well.

Mr. Braiman said he has what he needs to go back and prepare for the next meeting. He said they will target December for the next meeting and will poll Committee members for their availability.

There was no further discussion on this topic.

#### **IV. New Business**

There was no new business.

#### **V. Public Comment**

There was no public comment.

#### **VI. Adjournment**

Trustee Kennedy moved to adjourn the meeting. Trustee Dodd seconded the motion. All voted aye. **The motion carried unanimously.** The meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Karen L. Norwood  
Deputy Village Clerk



**Meeting Date:** December 15, 2021  
**To:** Land Use Committee of the Village Board  
**From:** Michael Braiman, Village Manager  
**Subject:** December 15 Land Use Committee Meeting- Tree Preservation

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The Land Use Committee (LUC) of the Village Board will hold its third meeting regarding tree preservation on December 15. The agenda packet includes three memoranda:

Tree Preservation Policy

This report is the primary focus of the LUC meeting. The goal for the December 15 is to determine the specifics of a tree preservation policy for consideration by the Village Board. The report identifies the LUC's decision points, a summary of policies in nearby communities, a policy framework proposed by staff as a starting point for discussions, and a worksheet to help the LUC work through each decision point.

Zoning Considerations

The LUC's next meeting is scheduled for January 25, 2022 at 1:00pm. At this meeting, the Committee will be acting as a Special Zoning Committee to consider amendments to the zoning ordinance which may help to preserve trees under certain circumstances. If time permits on December 15, these concepts will be presented at a high level as an introduction.

Tree Protection

A detailed report from the Engineering & Public Works Department addresses tree protection requirements. Because the Village Foresters believe the regulations contained in Village Code are sufficient (when coupled with other operational recommendations contained in the report), no action is required by the LUC and the report is included for informational purposes. Staff does not intend to present on this topic, but the Village Foresters will be present to answer any questions or concerns.



**Meeting Date:** December 15, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager  
Lisa Roberts, Assistant Director of Community Development  
Guy Lam, Deputy Director of Public Works

**Subject:** Tree Preservation- LUC Meeting #3

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The Land Use Committee (LUC) has met in October and November to consider amendments to the Village's tree preservation and protection policies. Through these meetings the Committee has determined that the Village's current preservation policies are not adequate to protect the Village's tree canopy. Accordingly, the LUC will be working to draft a revised policy for the Village Board's consideration. The Committee's process, subject to change, is as follows:

**Meeting #1 – October 21, 2021** Reviewed available Wilmette-specific tree data

- Reviewed current Village policy and how the policy is implemented
- Reviewed for reference purposes the policies in nearby communities
- Solicited public feedback (at all meetings)

**Meeting #2 – November 16, 2021**

- Determined the LUC's preferred policy approach
  - The LUC found that the Village's existing tree canopy coverage policy is not sufficient and a new approach is warranted

**Meeting #3 – December 15, 2021 at 10:00am**

- Review specifics of a new policy to provide direction to staff of what should be included in a proposed tree preservation ordinance

**Meeting #4 – January 25, 2022 at 1:00pm**

- Review draft ordinance and recommend adoption to Village Board
- Sit as a Special Zoning Committee to consider zoning incentives to preserve trees

### **Background**

At the LUC's November 16 meeting, the goals of a tree preservation policy were discussed which include:

- Minimize the number of unnecessary removals;
- When trees are removed; ensure sufficient replacement trees are planted to maintain and/or grow the community's tree canopy over time; and
- A policy which is:
  - simple and easy to understand;
  - enforceable;
  - reasonable for the property owner; and
  - focused on reforestation not revenue generation.

At its last meeting, the LUC determined that an “inch-for-inch” tree preservation policy would best protect the Village's robust tree canopy. Such policies are common in the Chicago region, and are currently in place in the following communities:

- |               |                 |
|---------------|-----------------|
| • Glenview    | • Highland Park |
| • Kenilworth  | • Northbrook    |
| • Lake Forest | • Lincolnshire  |
| • Winnetka    |                 |

In general, the tree preservation policies in these communities are similar to one another with replacement trees, or fees in lieu of replacement trees, required for the removal of ‘protected’ private property trees. All communities allow for the removal of trees that are dead/dying/diseased/hazardous without requiring any replacement trees or fees in lieu of replacement. Some ordinances allow the municipality to prohibit the removal of protected private property trees in certain circumstances, albeit such denials are rare (typically pertaining to the requested removal of large, healthy, desirable trees) and always include an appeals process which goes through a commission, zoning board and/or elected governing body.

The LUC's preferred policy approach will meet the Chicago Region Trees Initiative's Gold Standard for tree preservation by protecting trees at all times rather than only during the development process. The Gold Standard is recommended for consideration in the Village's Sustainability Plan.

## **Discussion**

The LUC will consider the following decision points at its December 15, 2021 meeting:

- Tree removal permits (what constitutes a protected tree)
- Replacement trees (and fees-in-lieu of replacements) for the removal of protected trees
- Whether to provide additional protections for desirable trees (defined below)
- Appropriate penalties for non-compliance with the tree preservation standards

Below is a discussion of each decision point, followed by the framework of a comprehensive policy the LUC could work from (page 6) and a worksheet to assist in determining the specifics of the tree preservation policy (Attachment #1).

## **Permits**

Currently, the Village Code requires a permit (\$29 fee) for the removal of any tree which is 10” diameter at breast height (DBH) or greater (the fee is waived for trees which are dead, dying, diseased, or hazardous). The Code does not require any replacement trees or fees-in-lieu of replacements for a tree removal.



The most important permit question for the LUC to determine is:

- The size of tree triggering replacement requirements

In the communities considered comparable for the purpose of this tree preservation analysis, the average size tree triggering replacement requirements is 9" DBH:

Community	Minimum Tree (DBH)
Winnetka	8"
Glenview	16" – 20"
Northbrook	6"
Lincolnshire	6"
Lake Forest	10"
Highland Park	8"
Kenilworth	8"
<b>Average</b>	<b>9"</b>

To assist the LUC in its deliberations, Attachment #2 includes pictures of various tree sizes.

Ancillary questions for the LUC's consideration related to permits include:

- Waiver of permit fees for trees which are dead/dying/diseased/hazardous
- Waiver of permit fees for trees which are considered invasive<sup>1</sup>
- When applicable, should the permit fee be in addition to the replacement requirements
- Permit fee (two concepts below):
  - Fixed fee
    - Recommendation: \$75
    - This fee is based on the estimated cost for the Village to administer the permit
  - Variable fee based on the purpose of the removal
    - See Attachment #5 for example from Kenilworth

### Replacements

When a healthy, non-invasive tree is removed, new trees may need to be planted on the property. The replacement requirements can take two forms:

- Option A: Inch-for-inch meaning that for every inch of tree removed, the same number of inches must be replanted
  - For example, if 20" DBH is removed, 20" DBH must be replanted
    - In this scenario, 8 new trees (2.5" caliper) would be required
    - It is unlikely that properties in Wilmette could plant this many trees and as such, a fee-in-lieu of plantings would be necessary
- Option B: New trees planted based on the size of tree removed
  - This strategy is utilized by the Village of Montgomery and City of Highland Park
  - The Montgomery replacement schedule is below:

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<sup>1</sup> Invasive species are identified by the State of Illinois in the [Exotic Weed Act \(Public Act 099-00181\)](#)

Size of Tree Removed	Number of Replacement Trees
6 – 12"	2
13 – 29"	4
30"+	6

- The Highland Park replacement schedule is below (see Attachment #3 for a list of trees in each category):

Type of Tree Removed	Number of Replacement Trees
Protected	2
Key	3
Heritage	4

For reference, replacement requirements in nearby communities can be found below:

Community	Replacement Planting Requirements	Fee in Lieu of Planting
Winnetka	1" for 1"	\$250 per inch DBH
Glenview	Variable based on DBH of tree removed and tree species	Class A = \$15.00/sq. inch Class B = \$12.50/sq. inch Class C = \$7.40/sq. inch
Northbrook	Nuisance trees: 1 tree planted for each removed  All other trees: 1" for 1"	\$25 per DBH for 'Nuisance' tree \$100 per DBH for 'Protected' tree \$150 per DBH for 'Key' tree \$250 per DBH for 'Heritage' tree
Lincolnshire	'Protected' Trees: 1/3" for 1" 'Significant' Trees: 1" for 1" 'Heritage' Trees: 2" for 1"	\$50 per DBH for 'Protected' trees \$150 per DBH for 'Significant' trees \$300 per DBH for 'Heritage' trees
Lake Forest	<25": 1" for 1" >25": 2" for 1"	None; tree planting required
Highland Park	2 trees per each 'Protected' tree 3 trees per each 'Key' tree 4 trees per each 'Heritage' tree	\$600 for 'Protected' tree \$1,350 for 'Key' tree \$2,400 for 'Heritage' tree
Kenilworth	Trees under 18" DBH: 1" for 1" Trees over 18" DBH: 2" for 1"	8" – 17": \$200 per DBH 18"+: \$400 per DBH

Other than Lake Forest, which has the advantage of large lots, all other comparable ordinances recognize that each property may not be able to plant the number of replacement trees required and as an alternative, provide an option to make a payment in lieu of plantings which are typically designated to a municipal tree fund to be utilized for the purposes of urban forestry management. Based on the above examples, the structure of the fee-in-lieu of planting would be determined based on whether the LUC recommends Option A (inch-for-inch) or Option B (number of trees). Should the LUC prefer Option B, staff recommends that the fee in lieu be based on the approximate cost to plant a new tree.

### Desirable Trees

A number of tree preservation policies in nearby communities include additional protections for trees which are considered desirable compared to other trees. Trees are typically considered desirable and warranting additional protections for the following reasons:

- Size: Larger trees receive greater protections; and/or
- Species: Trees which have added ecological benefits (Oaks as an example)

Protections based on size of tree, rather than species, is the most simple way to administer additional protections. However, this must be weighed against the additional value that certain species, such as Oaks, may provide.

Once the LUC determines which, if any, trees warrant additional protections, the next question is what those protections may include. Examples of additional protections are:

- Greater replacement requirements/fees (example: double the replacements)
- Prohibit removals, with an appeals process, in certain circumstances (example: trees in the required yards may not be removed without a variation process)
- Combination of the above: greater replacement requirements for trees removed in the required yards

The following is a summary of the additional protection strategies utilized in comparable communities.

#### *Lincolnshire*

Lincolnshire regulates the removal of 'Heritage' trees (Oak, Hickory or Walnut greater than 20" DBH) in the following circumstances:

- Any property seeking to remove four or more 'Heritage' trees must receive Village Board approval
- A 'Heritage' tree may not be removed to construct an unattached amenity  
A 'Heritage' tree may not be removed in the required rear yard to create "open space"

#### *Highland Park*

Approval from the Highland Park Zoning Board of Appeals (ZBA) is required to remove any 'Heritage' tree. 'Heritage' trees are defined as all trees in the following genus or species:

- Oaks greater than or equal to 30" DBH;
- American Elm greater than or equal to 40" DBH;
- Hickory greater than or equal to 20" DBH; or
- Walnut greater than or equal to 30" DBH

#### *Northbrook*

'Heritage' trees may only be removed with approval of the Village Board and 'Landmark' trees in the required yards may only be removed with approval of the Village Board. Northbrook identifies 4 species as 'Heritage' and 16 species as 'Landmark' trees. See Attachment #4 for a complete list.

#### *Kenilworth*

Kenilworth's tree replacement requirements are triggered based on the size and location of tree on the property:

- Any tree less than 18" DBH may be removed in the buildable area of a lot without replacement
- Any tree less than 18" DBH removed in the required yards requires replacement
- Any tree 18" or greater DBH removed in any location on the property requires replacement

### Penalties

Penalties are an important component of tree preservation policy in order to ensure compliance with the requirements. The Village Code currently provides for the following penalties:

- Private property tree removal without a permit: Maximum \$1,500
- Public right-of-way tree removal without a permit: Maximum \$7,500 + value of tree
- Failure to adequately protect trees during construction: \$750 per day, each day the violation persists

### Comprehensive Policy Example

To help guide the LUC's discussion on December 15<sup>th</sup>, staff is presenting a framework policy which takes into account all of the above decision points. The framework is based upon the previous LUC discussions, including resident input at these meetings, components of comparable municipal ordinances, discussions with advocates in Wilmette, as well as local developers.

### Policy Framework

Tree permits, at a cost of \$75, would be required for the removal of any healthy non-invasive tree which is 9" or greater in DBH. For healthy non-invasive trees which are 9" or greater in DBH, the replacement requirements would be as follows:

Size of Tree Removed	Number of Replacement Trees	Fee in Lieu of Plantings*
9 – 11"	1	\$500
12 – 17"	2	\$1,000
18 – 24"	3	\$1,500
25"+	4	\$2,000

\*The fee is based on the approximate cost of a newly planted 2.5" caliper tree (\$500 per tree). The Village Forester should have the flexibility to adjust replacement requirements downwards if a tree is in a state of decline but not yet dead/dying.

To encourage reforestation, fees in lieu of plantings would be subject to the approval of the Village Manager or designee (fees will be accepted only when the property cannot accommodate the new trees). The Village will maintain a list of acceptable new species of trees to be planted. The property owner may identify the preferred tree(s) to be planted from this list. The Village Manager or designee will have final approval of the tree(s) to be planted in order to take into account the unique conditions of the property as well as current urban forest best management practices (such as biodiversity, invasive pests, etc.).

The funds collected from the fees in lieu of plantings would be segregated into a municipal tree account for the purposes of urban forest management which includes new tree plantings, tree pruning and removal, public education, personnel (for the new Village Forester), and incentive programs which may include providing residents trees at no or reduced cost to plant on private property as well as incentives to remove invasive species such as buckthorn.

Designate trees 25" DBH or larger as 'Heritage' Trees and prohibit the removal of 'Heritage Trees' in the required yards as dictated by the Zoning Code (front, side and rear). An appeals process would provide the Village Manager or designee the authority to conduct an individualized assessment of the property in order to authorize removals in the required yards for certain construction hardships (examples: the proximity of the tree to the over dig for new foundations or if a tree is located in the middle of a 50' wide lot in the required front yard which does not have alley access). If Village Staff authorizes the removal, the replacement requirements and permit fees would be applicable. If Village Staff does not authorize the removal, the property owner may appeal the decision to the Zoning Board of Appeals with final authority resting with the Village Board.

Clearly delineated penalties need to be in place to encourage compliance with the above policy framework. To that end, the following would be added to the Village Code which would be in addition to the existing penalties (identified on page 6):

- For a private property tree removed without a permit, additional fees and costs consistent with the fees-in-lieu of plantings may be imposed
- For failure to plant the required replacement trees, a penalty in an amount up to \$750 per day
- For failure to pay a required fee-in-lieu of replacement, which cannot be subject to a fine, a late charge in the amount of 10% of the fee for each month the fee remains unpaid

In all circumstances, the Village also retains the ability to deny a Certificate of Occupancy (CO) and can deny issuance of future construction permits if a property is not in compliance with the Village Code.

To help facilitate compliance with the ordinance, and to work proactively to save trees whenever possible, the new Village Forester will be assigned to the Community Development Department. In this role, the Forester would administer all tree removal permits, collaborate with developers at the outset of a project to identify opportunities to preserve trees, administer the tree preservation ordinance and associated replacement requirements, and review and enforce tree protection measures during construction. Given the importance of early intervention to preserve trees during development, a permit application for demolition, new single-family or large addition should require a tree survey submitted by a certified arborist.

Regarding tree protection, the existing Village Code requirements apply to all construction projects. However, plan review and proactive enforcement of tree protection for accessory structures such as patios, garages, fences, irrigation, outdoor lighting, small additions, and recreation/outdoor entertainment projects is not feasible as hundreds of such permits are received annually. When accessory permits are approved, the Village can provide

public education materials on the proper tree protection measures, and the importance of such measures, and offer voluntary inspections when requested by a homeowner.

### **Budget Impact**

As previously discussed, based on existing staff resources and feedback from nearby communities, the tree preservation policy the LUC is considering will require the addition of a full-time Village Forester. This is necessary as every tree removal would require an inspection to determine whether replacements are required.

The estimated cost of a new Forester is \$120,000 (salary and benefits). This would have a net impact on the 2022 budget of \$90,000 as the newly created full-time code enforcement position would instead remain as part-time. In this scenario, the new Forester would also be responsible for proactively enforcing tree protection standards during construction.

A portion of the personnel cost may be offset by the fees collected from tree removal permits and fees in lieu of new tree plantings.

### **Documents Attached**

1. Worksheet for Key Decision Points
2. Pictures of Tree Sizes
3. City of Highland Park Tree Category List
4. Village of Northbrook Tree Category List
5. Village of Kenilworth Tree Removal Permit Fee Schedule
6. Emails from Stakeholders

### Worksheet of Key Decision Points

To help the LUC in determining the appropriate policy specifics, the following is a worksheet to document each of the ordinance's key components.

#### Permits

DBH triggering permit/replacement requirements: \_\_\_\_\_" DBH

Tree removal permit fee: Fixed cost or variable

Tree removal permit fee (if fixed cost): \$\_\_\_\_\_

Tree removal permit fee (if variable): See Attachment #5 for example

Should fees be waived for dead/hazardous/etc.: Yes or No

Should fees be waived for invasive removals: Yes or No

Should permit fee be in addition to replacements: Yes or No

#### Replacement Requirements

Should replacements be inch-for-inch or # of trees: Inch-for-inch or # of trees

If replacements are inch-for-inch, what is fee-in-lieu: \$\_\_\_\_\_ per inch removed

If replacements are # of trees, how many trees: See tables on p. 6 for example

If replacements are # of trees, what is fee-in-lieu: See tables on p. 6 for example

Ability to reduce replacements for declining trees: Yes or No

How are replacement trees selected: Village staff or property owner

Who determines whether fees-in-lieu are acceptable: Village staff or property owner

#### Heritage Trees

Do certain trees require additional protections: Yes or No; If yes:

What type of trees require additional protections: Desired species or size or both

    If size is the answer to the above: \_\_\_\_\_" DBH triggers protections

    If species is the answer to the above: Oaks, Elm, Hickory, Others

    If both is the answer to the above: \_\_\_\_\_" DBH for \_\_\_\_\_

What are the additional protections:

Increased replacement requirements: Yes or No, If yes, \_\_\_\_\_

Prohibit removals Yes or No, If yes, where/how?

### Penalties

Are the existing penalties sufficient:

\$1,500 for private tree removal w/out permit: Yes or No, If no, \$\_\_\_\_\_

\$7,500 + tree value for removal in ROW: Yes or No, If no, \$\_\_\_\_\_

\$750 per day for tree protection violations: Yes or No, If no, \$\_\_\_\_\_

Should there be a fine for failure to plant replacements: Yes or No

If yes, how much: \$\_\_\_\_\_

If a fee-in-lieu of plantings is not paid on time, should

There be a late fee: Yes or No, If yes, how much\_\_\_\_%

If the fee is not paid, should the property be lienied: Yes or No

### Other

Require a tree survey by arborist for certain permits: Yes or No



2" DBH  
2' Radius

HACKBERRY TREE





**HACKBERRY TREE**

**3" DBH  
3' Radius**





5" DBH  
7' Radius

HACKBERRY TREE



**HACKBERRY TREE**

**9" DBH  
15' Radius**







**11" DBH  
13' Radius**

**HACKBERRY TREE**



**HACKBERRY TREE**

**12" DBH  
15' Radius**







**15" DBH**  
**19' Radius**

**HACKBERRY TREE**





**22" DBH**  
**22' Radius**

**HACKBERRY TREE**





**27" DBH**  
**29' Radius**

**HACKBERRY TREE**





**32" DBH**  
**27' Radius**

**HACKBERRY TREE**





27" DBH  
29' Radius

20" DBH  
21' Radius

9" DBH  
15' Radius

22" DBH  
26' Radius

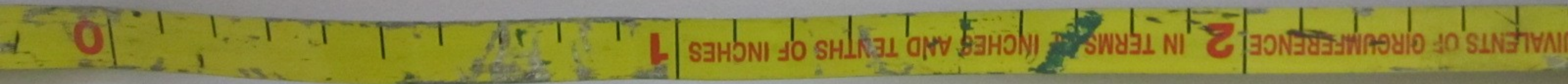
**HACKBERRY TREES**



## CIRCUMFERENCE (MEASURING TAPE)



## DIAMETER (D-TAPE)







**D-TAPE (IN ACTION)**

**3.5" DBH Swamp White Oak**



**Heritage Tree: Any Tree of the following genera or species:**

All trees in the genus Quercus (Oaks) greater than or equal to 30" DBH;

Ulmus Americana (American Elm) greater than or equal to 40" DBH;

All trees in the genus Carya (Hickory) greater than or equal to 20" DBH; or

All trees in the genus Juglans (Walnut) greater than or equal to 30" DBH

**Key Tree: Any Protected Tree of the following genera or species:**

Acer saccharum (Sugar Maple);

All trees in the genus Carya (Hickory);

Taxodium distichum (Bald Cypress);

Celtis occidentalis (Hackberry);

Ginkgo biloba (Ginkgo);

Gymnocladus dioicus (Coffee tree);

All trees in the genus Juglans (Walnut)

Pseudotsuga menziesii (Douglas Fir);

Pinus strobus (White Pine);

Picea abies (Norway Spruce);

Quercus velutina (Black Oak);

Quercus macrocarpa (Burr Oak);

Quercus alba (White Oak);

Quercus rubra (Red Oak); or

Quercus bicolor (Swamp White Oak).

**Protected Tree:**

Any Tree having a diameter of eight inches (8") DBH or larger or having an Aggregate Diameter of 15 inches DBH or larger, except any tree in the genera Rhamnus (Buckthorn) or Salix (Willow).

**Village of Northbrook Tree Category List**

Heritage Trees

- Oaks (30" + DBH)
- Hickories (16"+ DBH)
- Ironwoods (10"+ DBH)
- American Elms (36"+ DBH)

Landmark Trees (12"+ DBH) unless otherwise noted

- Basswood
- Black Walnut
- Buckeye
- Gingko (make only)
- Hickory (6" DBH)
- Ironwood (6" DBH)
- Kentucky Coffeetree
- Maples (except Silver)
- Oaks (8" DBH)
- White Ash
- Bald Cypress
- Cedars (single stem only)
- Dawn Redwood
- Fir Spruce
- White Pine

## Permit Fee

Dead, Diseased , or Hazardous Removal Fee	No Fee
Removal Due to Good Forestry Practices (Fee-in-Lieu of Replacement)	\$326.25
Healthy Tree Removal w/no other activity	\$100
Lot Redevelopment with Demolition	\$700
Lot Redevelopment without Demolition	\$600
Demolition w/out Replacement Structure	\$425
<b>Lot Improvements:</b>	
House Additions	\$425
Driveways	\$300
Pools, Tennis Courts and Basketball Courts	\$350
Fences, Sheds and similar Accessory Structures	\$200
Decks and Patios	\$200
Irrigation Systems	\$200
<b>Total:</b>	

**A Tree Protection Plan may be required for this application.**

Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Attachment #6

**From:** [George Hausen](#)  
**To:** [Braiman, Michael](#)  
**Subject:** Fwd: Tree Pres. Follow-Up  
**Date:** Thursday, December 2, 2021 7:54:56 PM

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Michael,

Appreciate our conversation today. I wanted to follow up with an email outlining some of our conversations and some additional thoughts.

Even though I know homeowners, not developers remove significantly more trees, I understand the tree policy could be changing so I believe it's important to define what a "building pocket" is to help with any potential changes to the ordinances in terms of the room we need to develop a property. Say for example a blueprint has a 35' x 50' structure on a 50' x 175' lot. The room needed to excavate is the full 50' on the side yards and an additional 25' on both ends for over-dig and the size of the backhoe or machine- so the actual " building pocket "is 50' x 100' with additional room needed for trucks and access. Most of the properties we develop have the luxury of an alley and street-front allowing us double access but maybe 20% of the time the only access is the street-front. My point is you can't have one ordinance that covers all properties since there are many variables including required setbacks. For example on a 50' wide lot with no alley and 2 mature trees in the front yard that could not be removed (with a change in the ordinance), would stop the development of that property which would be extremely unfair to the seller of that property.

Another problem is the engineering department sometimes requires quite a bit of underground drainage which forces trenching throughout the property affecting all the tree roots. So trying to solve the drainage problem causes root damage. There certainly is a drainage problem in Wilmette that the engineering department is trying to fix but there is no tree canopy problem. ( look at the past and present aerials.)

At the end of the day, the Wilmette tree policy works, and property owners should be able to choose what trees stay or get removed.

I would argue 95% of developers and homeowners only remove a tree when it's a problem to them for whatever reason. It's extremely frustrating for those of us that pour millions of dollars into the village coffers to be forced to spend thousands more to please a particular special interest group.

Maybe some reasonable monetary contribution to a "tree bank" (?) could be a solution.

Again, appreciate you listening  
George

**From:** [Comment, Public](#)  
**To:** [Norwood, Karen](#); [Braiman, Michael](#)  
**Subject:** FW: For the Land Use Committee  
**Date:** Tuesday, November 30, 2021 10:59:15 AM

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**From:** marie jones <marie.thourson@gmail.com>  
**Sent:** Tuesday, November 30, 2021 10:54 AM  
**To:** Comment, Public <publiccomment@wilmette.com>  
**Subject:** For the Land Use Committee

Dear Members of the Land Use Committee,

I was unable to stay for the public comment session two weeks ago, but wanted to share a few thoughts specifically on trees lost and replaced when large new buildings are approved.

As background, I have lived at 1058 Linden for almost 35 years. We are in an R2 district. The Linden alley backs onto the commercial block of Greenleaf, zoned VC. West over the tracks is Green Bay Road and the Jewel-Osco. A half block south on Poplar is the Citadel Nursing Home grandfathered into the R2 neighborhood. We have seen a lot of development proposals in this area over three decades and groups of neighbors have raised objections against developments that seem out of character with Wilmette. I am concerned about how large projects will be evaluated in the future.

With regard to tree coverage:

- The Village should make sure that it has the tools to insist that developers contribute to the green ambiance of Wilmette. The Village has done so in past projects, often in exchange for variances sought by builders. Tree replacement should instead be a requirement.
- The Village should have stronger tools to insist on adequate replacement of failed trees on commercial or multifamily properties.

To illustrate my first point, here are three examples of projects where the developers worked with the Village and did plant trees:

The condominium building at 1107 Greenleaf (Kashian Bros). Two large oaks were felled to erect this large building. At the Village's insistence, the developer planted 4 lindens along the parkway. They also planted three honey locusts in the rear to provide some screening for the neighbors.

When the Jewel was built, part of the agreement was that a now-tall row of evergreens be planted to screen the property from neighbors to the west. The company also planted trees in the parking lot, on Linden, and on GBR.

Ten or fifteen years ago, the nursing home on Poplar was given permission to build a small parking lot south across the alley from the building. In return, they were required to plant trees and they did so. I counted eight or nine including at least one oak.

And here's one case that I regard as a failure. The large brown brick residential building at 1121 Greenleaf was erected on the site of a very early farmhouse and its extensive lawns. There was one large oak along with smaller bushes and trees. Apparently, the zoning laws have become looser, because this building was able to gain approval without a height variance or other concessions. The builder planted a lone tree on the parkway and some scrubby bushes squeezed in along the edges of the massive asphalt apron in the rear. There is no softening of this bulk for neighbors in the R2 district.

I don't know what happened such that the Village was able to get developers to plant trees for several projects, but then suddenly wasn't. Perhaps the developer of 1121 paid to plant trees elsewhere

in the Village, whereas the real need is right here, where we have lost green ambiance. Whatever led to this minimal “greening” worries me because there are other properties along that block of Greenleaf that might be the subject of development in the coming years. It would be a shame to lose more large trees and get a mere token in return. The tools by which the Village can insist on tree-planting should be strengthened.

A second, related concern is that trees planted as part of a building’s approval should be “in perpetuity,” which is to say they must be replaced by equivalent trees if they die or are removed. Three of the trees in front of Kashian died and only two have been replaced, not by equivalents. What will happen if the screening trees in back die? Or consider the Jewel-Osco. The birches on the north side of Linden were in a very sorry state this past summer. Will they be replaced if they die?

When developers bring their proposals to the Village, the drawings are usually peppered with attractive trees and other landscaping. The landscaping pictured should be treated by the Village as equally permanent as the building proposed. Large projects take advantage of the green ambiance of the Village in their marketing, an ambiance that is proudly paid for and maintained by the citizens of Wilmette. Developers (and successor owners) should be expected to contribute to that green ambiance as well as profiting from it.

Sincerely,  
Marie Jones



**Meeting Date:** December 15, 2021

**To:** Michael Braiman, Village Manager

**From:** John Adler, Director of Community Development  
Lisa Roberts, Assistant Director of Community Development

**Subject:** Tree Preservation- LUC Meeting #3 – Zoning Discussion

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As part of the Land Use Committee's review of the Village's tree preservation policies, staff was asked to consider whether expedited zoning relief may be a way to retain trees in certain circumstances. Experience suggests that the following zoning requirements may have inadvertently led to tree removals:

- 1) Required rear yard setback
- 2) Required interior side yard setback
- 3) Side yard adjoining a street setback requirement
- 4) Front Yard setback requirement
- 5) Requirement for two enclosed parking spaces

To help explain how the above regulations may impact tree preservation, it is helpful to understand certain Village single family zoning requirements. The impactful zoning requirements for single-family lots are:

- 1) Required rear yard setback: 20% of lot depth - minimum requirement varies by district.
- 2) Required interior side yard setback: 10% of lot width - minimum requirement varies by district. Required combined side yard setback: 25% of lot width - minimum requirement varies by district.
- 3) Required side yard adjoining a street setback: 30% of lot width (9' minimum and 25' maximum in the R1 districts, and 15' minimum and 30' maximum in the R districts).
- 4) Required front yard setback: 18', 25' or 40' or greater if established – minimum requirement varies by district.
- 5) Requirement that a single-family property have two enclosed parking spaces.

The above required yards create a buildable area in which a single-family house can be built (see site plan image on page 3). Accessory structures such as garages, sheds, swimming pools, and sport courts are all permitted in required rear yard. Structures in the required yards are further limited by the amount of impervious surface that can be built in them. These amounts range from 30% in the required front and side yard adjoining a street yards, to 60% in the required interior side and rear yards. The required rear yard has additional impervious surface and setback requirements based on the proposed structure(s).

#### Required Setback Impact – Rear and Interior Side Yards

Detached garages are permitted in the required rear yard but there are several limits on their size. They are permitted to be as close as 3' to the interior side and rear lot lines as long as the garage is located entirely in the required rear yard. Once the garage is no longer in the required rear yard, the interior side yard setback needs to meet the minimum required interior side yard setback outlined above. On occasion, trees located along the rear property line have made it difficult to locate a garage entirely in the required rear yard without removing the tree. Because moving the garage into the buildable area results in a greater interior side yard setback, possibly 3' versus 5' to 10', developers are reluctant to take up more of the usable rear yard with the garage structure.

#### Required Setback Impact – Side Yard Adjoining a Street

Because the side yard adjoining a street is typically three (3) times as large as an interior side yard, there have been occasions where allowing a structure to encroach into the required side yard adjoining a street may have saved a tree. One such occasion was a new house on the 700 block of Laurel where the 18' side yard adjoining a street setback caused the house as designed to maintain the minimum 6' interior side yard setback. It is possible if the house was moved into the required side yard adjoining a street, thereby increasing the proposed 6' interior side yard setback on the other side, a desirable tree may have been able to be saved. While the developer indicated a willingness to move the house, they were concerned about the timing and uncertainty of the variation process.

#### Required Setback Impact – Front Yard

A required front yard setback can impact tree preservation similar to a side yard adjoining a street setback. For example, if a desirable tree is located to the rear of the buildable area, adjacent to the required rear yard, allowing a new home to encroach into the required front yard may allow that tree to be preserved. Because front yard setbacks are a big part of the character of many Wilmette neighborhoods, the review of any encroachment into a front yard must take this into account.

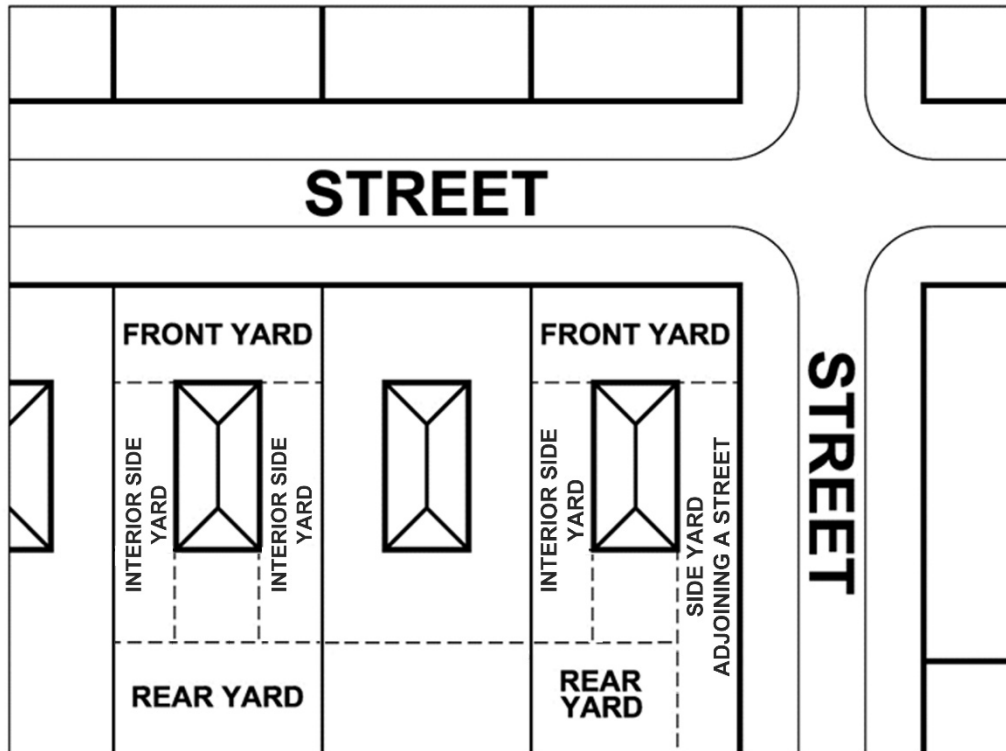
#### Enclosed Parking Impact

The Village requires new or significantly expanded single-family homes to have two enclosed parking spaces. There has been at least one occasion where the requiring of the second enclosed space required the removal of a desirable tree. Allowing for only one enclosed space would potentially reduce coverage and save desirable trees.

Staff can recall approximately six (6) occasions where zoning flexibility may have saved a desirable tree. That said, there are most likely many other instances that were never brought to staff's attention. If the Committee is open to considering an administrative (expedited) zoning relief process to preserve trees, staff will draft language allowing for limited zoning relief. To ensure the process is successful at saving trees while balancing the impact on the neighbors, any administrative process would need to include notice to adjacent properties and include the Village Forester early in the design process.

Any changes to the Zoning Ordinance are required to be reviewed through the Special Zoning Committee (SZC) process; the Land Use Committee was designated an SZC for the purposes of this review at the November 23, 2021 Village Board meeting. The SZC must hold a public hearing to consider changes to the Zoning Code and the next meeting scheduled for January 25, 2021 at 1:00pm will include a public hearing.

Diagram of Required Yards



*Drawing is not to scale*



ENGINEERING  
& PUBLIC WORKS DEPT

(847) 853-7500  
FAX (847) 853-7705

MEETING DATE: December 15, 2021

TO: Michael Braiman, Village Manager

FROM: [Guy Lam](#), Deputy Director of Public Works  
[Kevin Sorby](#), Village Forester  
[Rob Wasley](#), Village Forester

RE: Review of ANSI A300 Standards- Tree Protection During Construction

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The American National Standards Institute (ANSI), in collaboration with the Tree Care Industry Association, Inc. (TCIA), has developed standards for Management of Trees and Shrubs During Site Planning, Site Development and Construction (A300 Part 5 – REV 2019). The standards include recommended best management practices for tree protection during construction.

The key tenet of the A300 Standards recommends incorporating oversight from a professional arborist throughout all phases of development, including, planning, design, pre-construction, construction, landscaping, and post construction. Each phase provides equal opportunity for input/oversight which collectively plays an integral role in tree preservation.

The standard cites the highest levels of success occurs when professional arborists are brought in early in the development process to share their expertise and consulted throughout all phases of the project. Denote below is a summary of the desired outcomes associated with each phase of construction (beginning with the planning phase).

In brief, the Village's current code requirements are sufficient when compared against the ANSI A300 standards for management of trees during construction. Many of the recommendations identified in the standards are currently being addressed and any areas deemed deficient should be satisfactorily addressed with outcomes from the Village's comprehensive review of its existing tree preservation ordinance which includes hiring of one additional staff member (Village Forester).



## **Planning Phase**

The standard recommends an arborist conduct a tree resource (or inventory) for the site, includes, tree species, size (dbh), condition and tree risk assessments. All trees are defined and evaluated to ensure the most suitable trees are retained which dramatically increases the chances of long-term tree preservation successes. Young, medium-age trees respond better to construction stresses (best candidates for preservation) vs. overmature trees.

Likewise, healthy trees are more desirable for tree preservation vs. unhealthy trees. Unhealthy trees have limited capacity to endure stresses associated with construction and recover. The tree resource should also denote tree species tolerance to construction damage; however, tolerance can vary based on existing tree health, soil quality, pests, previous injuries, and time of year site disturbances occur.

Lastly, the standard recommends an arborist conduct risk assessments for trees that are or will be near significant targets (e.g., people, property, or activities that could be injured, damaged, or disrupted by a tree failure). The likelihood or impact and consequences need to be taken into consideration for multiple scenarios (e.g., current targets, with targets present during construction and with targets after construction).

*Does the Village comply?*

*As part of Submittal of the Grading and Drainage Plan, applicants are required to submit a tree inventory of the site and identify protected trees (10" diameter and greater) as part of the canopy coverage requirement. Protected trees may be included or omitted depending on canopy coverage calculations for the property. The tree inventory may or may not be performed by a certified arborist and includes the tree species, size, and location. Tree health and risk assessments are not included. Parkway trees are always protected regardless of canopy coverage.*

## **Design Phase**

The tree resource should be used in the design phase to locate the building or infrastructure where the least impact on trees will occur and the most desirable trees will be preserved.

Decisions about the location, size, and shape of the building and other infrastructure should be documented on a site plan. The arborist can make recommendations for which trees should be retained, removed, transplanted, or protected based on information presented on the site plan and tree resource (or tree inventory).

More specific, the site plan should denote which trees are most suitable for preservation and which trees should be removed due to expected damage caused by construction of the building, infrastructure, and other onsite activities.

As part of design phase, it's recommended the arborist consider and make recommendations for the following:

- Trees which are worthy of transplanting and possible relocation.
- Construction access, including ingress and egress.
- On-site parking for construction and personal vehicles.
- Space for operation and maintenance of construction equipment
- Utility and drainage corridors, including stormwater management systems, gas, electric, communications, and sewer/water lines.
- Grade changes and excavations.
- Storage for excavation spoils.
- Above ground vertical space for aerial equipment activity.
- Space for temporary buildings (e.g., office, tools, and supply storage).
- Restricting access to undisturbed areas of the future landscape.
- Material staging and storage.
- Fueling and mixing area.
- Washout areas for concrete trucks.
- Debris piles or burn pits.
- Sediment control (silt barriers) installation.

Recommendations and feedback from the above referenced gets incorporated into the Tree Conservation Plan (TCP) as part of the site plan review. The TCP includes the following:

- Comprehensive tree protection plans, including important instructions, recommendations, prohibited activities, and follow-up care.
- A list of trees to be retained and their locations.
- Trees to be transplanted.
- Tree Protection Zones (TPZ) established and barrier specifications.
- Soil compaction controls specified for use within TPZ areas when entry is required.

*Does the Village comply?*

*Much of the above referenced recommendations are reviewed by staff as part of the following: Site Plan Review, Site Development Plan and Grading and Drainage Plans. The Village utilizes critical root zones (RRZ) which are analogous to Tree Protection Zones (TPZ). However, professional arborists do not provide comment on location and/or size of building or infrastructure around trees to mitigate damage and/or provide comment on most desirable trees on property for tree preservation.*

### **Pre-Construction Phase**

This phase occurs between the planning and construction phases and requires an onsite meeting with the builder to review and inspect the following: installation of TPZ barriers around retained trees with notification signage affixed, trunk protection installation around retained trees (where applicable), prescribed root pruning completed (where applicable), directional boring in lieu of open trenching for utilities, review of soil cuts, soil fills, and grade changes, etc.

*Does the Village comply?*

*The Village Foresters schedule an onsite meeting with applicant prior to issuance of demo permit. Tree protection measures for public and private trees are reviewed/approved as part of permit sign-off. Canopy coverage tree protection triggers may or may not be available at time of demolition permit approval and there isn't a second onsite meeting scheduled to review tree protection for canopy coverage.*

### **Construction Phase**

This phase entails routine site inspections (weekly) to maintain the integrity of the TPZ areas and prevent damage. The standard recommends tree damage and violations be reported through a pre-established chain of command and corrected as soon as possible.

Tree monitoring should carry over into landscape installation as injury may occur with final grading, trenching for irrigation, outdoor lighting and/or plant material installation. Soil in the TPZ areas is often roto-tilled, compacted with a lawn roller, planted to turf, and rolled again. This process can be very damaging to tree roots and should be minimized or prohibited within the TPZ areas.

*Does the Village comply?*

*The Village Foresters respond to complaints at construction sites and work with contractor to achieve compliance. Pro-active, weekly inspections do not occur.*

### **Post Construction**

Once construction and landscaping are complete, the TPZ barriers (fencing) may be removed. Under this phase, tree health and structure should be re-evaluated to determine if any changes have occurred during the construction process. If changes are detected, mitigation treatments should be recommended and implemented.

*Does the Village comply?*

*There are no post construction tree health/risk assessments conducted by the Village Foresters.*

### **How does construction activities impact trees?**

To identify, prescribe and establish suitable tree protection measures it's important to understand how trees can be damaged throughout the construction process. The A300 standards references the following activities which cause tree damage:

#### **Root Cutting or Damage**

A tree's root system is extensive and asymmetric which makes it difficult to know the exact location and depth. Most roots can be found within the top two feet of the soil surface and spread out one to three times (1-3X) the width of the canopy. Roots can be readily damaged

from excavation equipment (grade changes), trenching equipment (utilities installation), burning and burial of debris, adding fill soil over roots, altering water tables, water movement and drainage patterns.

### Soil Compaction

Can be the result of vehicle and equipment traffic (foot traffic to lesser extent). The severity depends on the force per area unit applied to soil, frequency of application, surface cover, soil texture, and soil moisture content. For example, highly susceptible soils include clay or loam texture, high moisture content and low levels of organic matter. Less susceptible include dry or frozen, coarse texture soils which are high in organic matter. Under most circumstances, adverse impacts from severe soil compaction are irreversible.

### Injury to trunk, major roots, and canopy

This can be the result of mechanical injury caused by equipment used for land clearing, grading, construction material delivery, and landscaping. Physical damage results in bark and water/nutrient conducting tissue injuries. When damaged, the capacity of the tree to transport water, nutrients, carbohydrates, and signaling compounds is reduced. Likewise, insects are attracted to wounds and barriers to pathogen entry are compromised, making the injured tree susceptible to future structural and health concerns.

### Heat Damage

Foliage, branches, trunks, and some roots can be injured by burning debris near trees or by hot exhaust from construction equipment. Covering foliage with transparent plastic sheeting can also result in foliar burn during sunny conditions.

### Chemical Damage

Certain chemicals, such as cleaning solvents, paint thinners, and petroleum products (gas and oil) may be lethal to the foliage and roots of trees. These types of injuries are rarely correctable, and place added stress on the tree. Furthermore, contaminated water or runoff from concrete trucks or other equipment can alter soil chemistry (pH levels) and cause root damage or disruption in nutrient uptake.

### Trunk Flare or Root Collar Damage

Damage occurs whenever soil or debris is placed against the trunk or over the buttress roots which promotes the development of certain root disease pathogens, insect pests, and encourages stem-girdling roots.

## **Recommended Tree Protection Measures**

Given the above referenced damaging agents, the following recommended tree protection measures can be used to mitigate tree damage per ANSI A300 Standards.

### Tree Protection Zone (TPZ) -Dimensions

Recommended practice: establish tree protection barrier over the tree's critical root zone to protect the root system from construction damage (root cutting, root damage and soil compaction). The critical root zone or radius extends out a multiple factor of 0.50 to 1.50 (dbh) depending on tree species tolerance to construction damage and age. For example, a young tree, tolerant of construction damage will trend closer to a multiple factor of 0.50 (10" dbh = 5' radius) whereas a mature tree, intolerant of construction will trend closer to a multiple factor of 1.50 (30" dbh = 45" radius). Where applicable, enlarging one side of the TPZ over the other may be beneficial as root systems are unknown and asymmetric.

As a cautionary note, excurrent trees (evergreens), those with small, suppressed, or asymmetric crowns or leaning trunks and trees with irregular rooting areas introduce complexity in determining the TPZ or critical root zone because the canopy drip line may not incorporate or capture an adequate amount of the root zone for successful preservation.

#### Barrier or Fencing Materials for TPZ

Materials used should be sturdy, durable, and highly visible (chain link, wire mesh or wooden fence). Fencing material solidly anchored with 4-6' tall posts. Plastic fencing material is not recommended as it can be easily moved. All fencing material should have signage affixed which denotes contact information, 'entry prohibited without prior authorization', cite Village Code and penalties, use language applicable for construction site.

#### Soil Compaction Controls within TPZ

Utilize soil compaction controls for use within TPZ when entry required. If foot or vehicle traffic or construction activities cannot be kept outside of the TPZ for the entire duration of construction, actions can be taken to 1) disperse the load and 2) minimize soil compaction and mechanical root damage.

Soil compaction controls include:

- Applying 6-12" of woodchips/mulch to the TPZ compromised area.
- Laying  $\frac{3}{4}$  minimum thickness plywood, beams, commercial logging, or road mats over 4" + inch thickness woodchips/mulch layer.
- Applying 4-6" of gravel over a taut, staked, geotextile fabric layer (least preferred)
- Any layer exceeding 4" thickness should be removed from the TPZ once threat of soil or root damage has passed.
- Any removal or spreading of woodchips/mulch materials should be done manually to protect soil.

#### Trunk Protection

Includes measures to protect trunk and root flare or buttress roots from mechanical damage. Erect wooden planks around trunk (angled to flare out from base of tree), preferably on a closed-cell foam pad. Utilize straps or wires to bind the planks in place. Do not use fasteners driven into tree. Secure wooden planks with appropriate spacing to allow for tree growth.

## Root Pruning

Defined as the process of cleanly cutting roots prior to mechanical excavation to minimize damage to the tree's roots system. The standard denotes root pruning and root damage from excavation can cause great harm to a tree, especially if structural roots are affected. Damage to these roots can reduce tree health and/or structural stability.

Recommended best management practices include:

- Any root greater than 1.00" diameter should be pruned rather than left torn or crushed.
- Cutting through the soil along a predetermined line on the surface using a tool specially designed to cut roots (Dosko or Vermeer Root Pruner).
- Utilize air and water excavation tools to expose roots for proper pruning cuts and/or for rerouting utilities.
- Root pruning after a trencher, excavator, or backhoe has torn or crushed roots is the least preferred method; however, if it occurs, it is better to prune the damaged ends than to leave unattended.
- Root pruning cuts outside the drip line of a tree rarely causes permanent damage.
- For some tree species, health and stability will not be immediately affected if one linear cut is made more than three times the trunk diameter away from trunk.
- For some tree species, tree stability is comprised when cuts are made within a distance equating to three times (3X) the trunk diameter.
- For most tree species, when roots are cut closer than one to one and a half (1.0 to 1.50) the diameter (dbh) distance from trunk, a serious reduction in stability can occur and long-term health and survival will be impacted.

## Auger or Boring

This activity should be set-up outside the tree's drip line as the operation requires an excavation hole or pit to stage and set boring equipment. Excavation (auger or boring) should be performed under root depth or 2-3 feet below ground surface. Alternatively, boring may be accomplished by digging a trench on both sides of a tree with traditional equipment until roots of 1-inch in diameter are encountered. See table below denoting minimum thresholds for auger/boring per ANSI A300 Standards.

Tree Diameter (dbh)	Min. Offset Distance from Trunk (feet)	Min. Length of Bore Hole (feet)
2	1	2
3	2	3
5	5	5
10	8	10
15	12	15
20	15	20

## Soil Cuts



If lowering soil grade, can construct island around tree, extend to fullest extent of TPZ as possible. Severe grade changes can be addressed with retaining walls.

### Soil Fills

Keep away from trunk as far as possible and to least thickness as possible. If fill soil within the TPZ will be more than two or three feet, it is often better to construct a retaining wall around the tree, called a tree well. The minimum radius of the tree well should be three times (3X) the tree diameter (dbh).

*Overall, are the Village's tree protection standards adequate and comply with recommendations outlined in the ANSI A300 standards?*

*Yes, the Village's tree protection standards align closer with recommendations outlined in the ANSI A300 standards. The Village defines Tree Protection Zones (TPZ) as the critical root zone (CRZ) with a protection area radius equal to one-foot for each one-inch in diameter (or ratio of 1.00). This falls in line with recommendations outlined in the ANSI A300 standards, which provides a ratio range of 0.50 to 1.50 depending on the tree's health, age, and tolerance to construction damage. The Director of Engineering and Public Works also has authority to modify and prescribe additional tree protection measures to permit access within the CRZ area with inclusion of surface barriers (aka. soil compaction controls) such as plywood/mulch layers. The Village Engineer may also impose reasonable conditions, or modifications to, the methods or techniques proposed excavation, trenching, foundation construction or other land disturbing activities to prevent or mitigate such adverse impacts on trees, such as, root pruning and directional boring of utilities.*

For background reference, denoted below is an outline of the Village Code with references to tree protection for public and private trees.

## **Chapter 8 – Housing and Building Regulations**

- Article V – Regulation of Land Disturbing Activities
  - Division 4 -Permit Application Procedures
    - Sec 8-210 Site Grading and Drainage Plan (may include the following)
      - Location of the proposed areas of excavation, fill, storage, and disposal of earth materials, ...
      - Location and identification of existing vegetation, proposed vegetation to be placed onsite, and vegetation to be removed from the site ...
      - Location of existing and proposed buildings and structures, ...
      - Location of soil storage
    - Submittal of Site Grading and Drainage Plan
      - Canopy coverage calculations (35% minimum requirement)
      - Identify trees to be protected on property, parkway, and neighboring property
      - Identify plant materials for deficiency (where applicable)

- Show the location, species, and size of each such tree and the tree protection measures throughout the course of construction in order to prevent damage to the tree or compaction of its critical root zone (CRZ) in conformance of Article XII of this Chapter (8).
- Submission of Additional Data
  - Village Engineer may require the applicant to submit additional information concerning excavation plans proposed methods and techniques for same, as will enable the Village Engineer to determine whether the proposed land disturbing activity will adversely impact existing trees proposed to be retained on the subject property under the Site Grading and Drainage Plan, or will adversely impact existing trees on adjacent property
  - The Village Engineer may impose reasonable conditions on, or modifications to, the methods or techniques proposed excavation, trenching, foundation construction or other land disturbing activities in order to prevent or mitigate such adverse impact on trees, and any such restrictions shall be incorporated into the requirements of the Grading and Drainage Permit. Such conditions may include but are not limited to, prohibiting excessive over digging, requiring shoring, requiring directional boring instead of open trenching, or prescribing the methods of excavation, trenching or directional boring
- Article XI – Site Development and Maintenance
  - Sec 8-410 Requirements
  - Sec -8-411 Site Maintenance and Repair Requirements
    - Includes tree protection measures for all parkway trees, and any applicable measures for trees located on private property
      - Utilize critical root zone (CRZ) or one-foot radius for each one-inch in diameter to establish protected area for each tree
    - Identify routes for ingress and egress to the construction site
    - Denote proposed locations for storage of materials
- Article XII – Tree Protection During Construction
  - Sec 8-442 General Regulation
    - Except as otherwise prohibited or as authorized by the Director of Community Development, all protected trees located on private property, where construction work is occurring pursuant to a Building Permit issued under this chapter, shall be protected from damage by means of the requirements stated herein.
  - Sec 8-444 Tree Protection Requirements
    - All private trees on private property shall be protected with temporary fencing placed along critical root zone (CRZ)
    - CRZ defined as one-foot radius for each one-inch in diameter

- Protected tree as defined as minimum 10" diameter (dbh)
- Protected with fencing barrier (plastic, wood, or metal) to extent of CRZ with posts on three-foot centers
- Construction materials not to be stored within the CRZ or stored in a fashion diverting flow toward protected trees
- Director of Engineering shall have the authority to modify requirements herein, including requiring a surface barrier such as plywood/mulch be placed on those areas unprotected by fencing

## **Chapter 20 – Public Ways**

- Article VII -Trees and Shrubs on Public Property
  - Sec 20-180 Tree Protection
    - No person, firm, corporation, or utility company shall excavate any ditches, tunnels or trenches or construct any driveway, within the public right of way, without first obtaining a Right-of-Way Permit as provided in article I of this chapter. Tree protection measures may be required as a condition of obtaining this permit
    - All trees on any public right of way near any excavation, construction or any structure, or street construction, repair, or improvement, shall be protected by erecting a highly visible physical barrier around each tree so as to avoid all injury to the trunk, crown, and root areas of the tree; and all building material, dirt, soil, or other debris shall be kept outside a radius as specified by the Director of Engineering and Public Works from any tree on the public right-of-way. Protective barriers shall mean snow fencing or similar material, not single strand wire or plastic flagging.



**Meeting Date:** December 15, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager

**Subject:** Additional Agenda Material #1

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Below please find additional agenda material including a correction to the Land Use Committee's (LUC) meeting minutes and responses to questions submitted by Trustee Dodd. A PowerPoint presentation for the December 15<sup>th</sup> meeting is attached.

#### Correction to Minutes

There was an error on page 7 (page 8 of the agenda PDF) of the draft minutes of the LUC's November 15, 2021 meeting. The correction is highlighted in yellow below:

Mr. Braiman said we realize that we are limited in the number of trees that can be replanted on a smaller lot. He said in a circumstance where you cannot replant on that lot, the fee is going into a tree fund where it will be used to plant a tree some place else in the community. He said currently we have **75,500** **17,500** parkway trees. He said the deficit of trees lost from not replanting is 100. He said the goal is to replant as much as we can within the lot allowance and in the parkway. He said there are no other places to plant trees within the community so at that point, the fee just becomes a payment to the Village that will be used for future tree plantings, budgets or pruning. He said it is possible to also utilize these funds in a tree grant program, which is one of the proposed incentives. He said that is one way to take those fees to buy trees to give to residents to plant on their property. He said that is the next opportunity to increase the canopy.

#### Multi-Stem Trees- How will they be measured?

The Village utilizes the following definition of multi-stem trees in its bid and contract documents for tree pruning and staff recommends this language be utilized for tree preservation purposes:

The diameter of trees shall be measured with a standard D-tape at a point 4 ½ feet above the average ground level at the base of the tree. In cases of multi-stemmed trees where the trunk separations begin at 4 ½ feet from the ground or lower, measurement shall be taken one (1) foot below the separation. If a

tree becomes multi-stemmed below one foot, the sum of the diameters of the stems measured at 4 ½ feet above the average ground level at the base of the tree shall be the considered the diameter of the tree. If there is soil between the stems, they shall be considered separate trees. Final diameter measurements shall be reported to the nearest inch with rounding up to occur at increments of ½ inch and greater (i.e. 12.50-12.99" = 13.0" dbh) and rounding down to occur at increments lower than ½ inch (i.e. 12.01-12.49" = 12.0" dbh).

For reference, pictures of multi-stem trees can be found in Attachment #1.

Ornamental Trees (examples: pear, crab apple, magnolia, serviceberry, etc.)- How would the preservation policy apply?

While the Village is not a natural forest setting, the urban forest does have layers of canopy with understory trees represented on wooded lots and along dense canopy covered parkways.

Understory trees or ornamentals serve a purpose, helping to balance the ecosystem, and have a place in the urban forest and thus replacements when ornamentals of a certain size are removed may be appropriate.

Lot Sizes & Tree Planting- What is the typical lot size in Wilmette and how many trees can be planted on a typical lot?

A "typical" lot is 50' wide by 150' deep, in total 7,500 square feet. In general, a buildable area on a "typical" lot would be 37.5' wide by 95' deep for a total buildable area of 3,562.5 square feet.

This is no firm rule to determine how many trees such a lot could manage due to variables such as remaining trees on the property and their spacing, overhanging parkway trees and neighboring trees. Without taking any of the above into account, at least two large shade trees (based on a 25' radius per tree) could fit on a 7,500 square foot lot. However, more than two trees could be possible if some understory trees were included.

### **Documents Attached**

1. Pictures of multi-stem trees
2. PowerPoint presentation for December 15 meeting





Multiple diameters DBH (added)

33" DBH Paper Birch





Magnolia (Private)

Multiple diameters DBH (added)





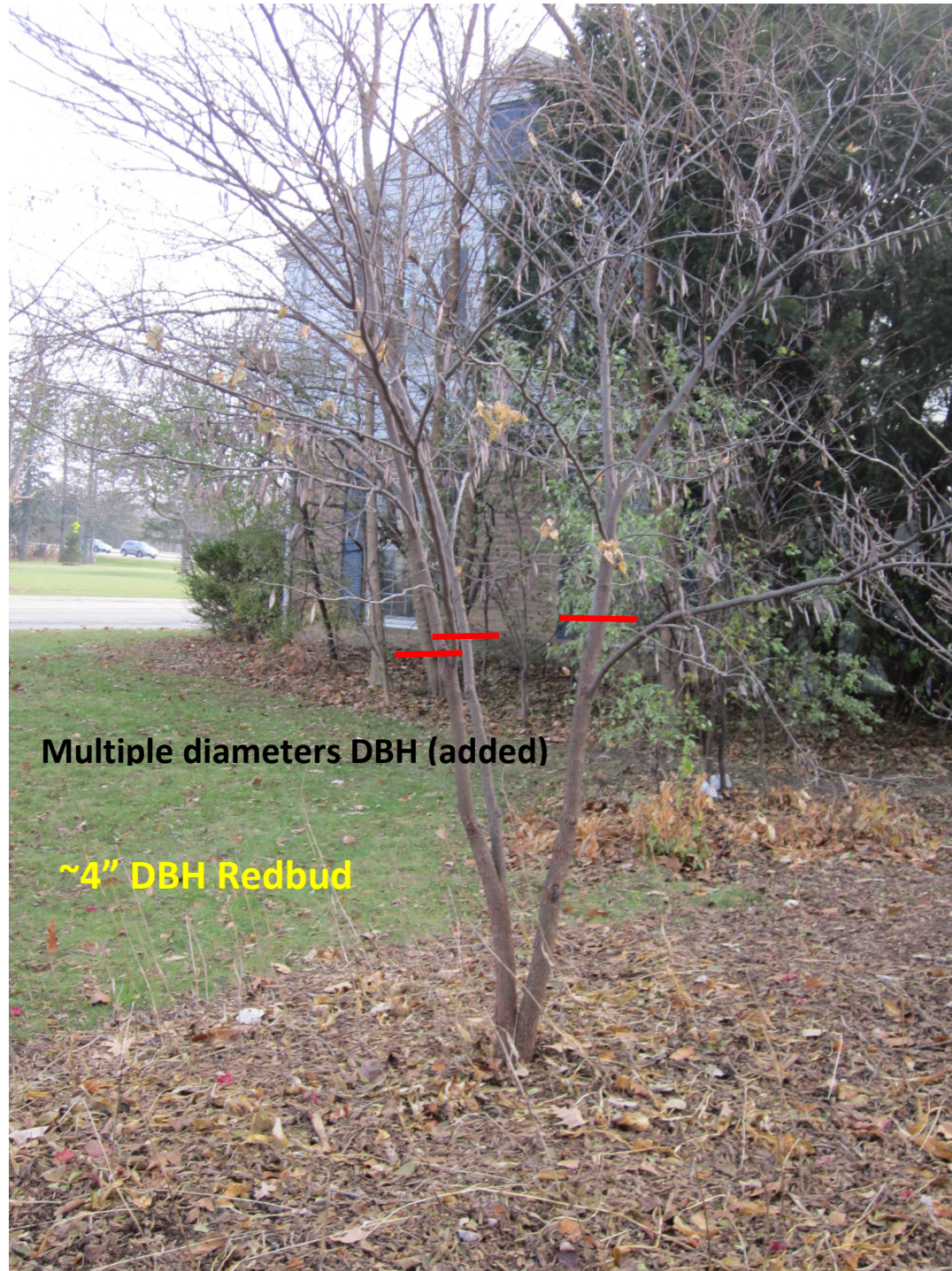
Single diameter DBH ———

68" DBH Eastern Cottonwood









**Multiple diameters DBH (added)**

**~4" DBH Redbud**





Single Diameter DBH

11" DBH Silver Maple





**18" DBH Crabapple**

**Single Diameter DBH**





# Tree Preservation

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DECEMBER 15, 2021

LAND USE COMMITTEE

# Committee Review Process

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- October 21
  - Reviewed Wilmette specific tree data and policies
  - Reviewed policies in similar communities
  - Solicited public feedback (at all meetings)
- November 16
  - Determined preferred policy approach (inch-for-inch)
- **December 15**
  - **Review details of preferred policy and provide direction to staff**
- January 25 at 1:00pm
  - Review draft ordinance
  - Consider zoning incentives (Special Zoning Cmt. public hearing)

# Policy Topics

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**The following topics will be reviewed**

## Tree Permits

- What size tree will trigger a permit and replacement requirements?

## Tree Replacements & Fees in Lieu

- How will tree replacements be calculated?

## Desirable Trees

- Which trees, if any, are considered most desirable and warrant additional protections?

## Penalties

- What additional penalties for non-compliance, if any, are warranted?

# Tree Permits

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## Decision Points

- DBH triggering permit/replacements
- Tree removal permit fee:
  - Fixed cost (\$75?) or variable based on reason for removal
- Fee waivers for dead/dying/hazardous
- Fee waivers for invasive species
- Are permit fees in addition to replacement costs

Community	Minimum Tree (DBH)
Winnetka	8"
Glenview	16 – 20"
Northbrook	6"
Lincolnshire	6"
Lake Forest	10"
Highland Park	8"
Kenilworth	8"
<b>Average</b>	<b>9"</b>
Wilmette current	10"

# Tree Replacements & Fees in Lieu

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## Options for Replacement Policy

- Option A: Inch-for-inch
- Option B: Set # of trees based on the size of tree removed (see below example)

Size of Tree Removed	Number of Replacements	Fee in Lieu
9 – 11"	1	\$500
12 – 17"	2	\$1,000
18 – 24"	3	\$1,500
25"+	4	\$2,000

## Other Decision Points

- Ability to reduce replacement requirements for declining trees
- Selection process for replacement trees
- When to accept a fee in lieu of planting



# Desirable Trees

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## Decision Points

- Do certain trees require additional protections, if yes:
- Based on size of tree, species or both
- What are the additional protections:
  - Increased replacement requirements, prohibiting removals, combination

## Examples

- Highland Park: Defines certain species based on size of the tree as 'Heritage' which may only be removed via zoning approval
- Northbrook: Defines certain species based on size of the tree as 'Heritage' or 'Landmark' which may only be removed in the required yards with Village Board approval
- Lake Forest: Replacement requirements double for any tree 25"+ DBH

# Penalties

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## Decision Points- Confirm Existing Penalties

- Private removal without a permit: \$1,500
- Right-of-way removal w/out permit: \$7,500 + value of the tree
- Tree protection violations: \$750 per day, each day the violation persists

## Additional Considerations

- Institute fines for failure to plant the required replacement trees
- Institute late fees for failure to pay fees-in-lieu of plantings on time
  - Lien the property if the fee is not paid

# Other Considerations

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## Other matters for the LUC to consider:

- Whether a tree survey from a certified arborist is appropriate for large construction projects
- Multi-stem trees: Calculate in a manner similar to existing Village ROW contracts
- Ornamental trees: Determine whether removals require replacements
- Budget impacts: New Village Forester at estimated net cost of \$90,000

# Next Steps

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- The Land Use Committee will meet on January 25 at 1:00pm to review a draft ordinance and consider zoning incentives
  - The LUC will be sitting as a Special Zoning Committee to conduct a public hearing on zoning amendments
- Clearly communicate upcoming meeting dates and discussion topics to stakeholders and the general public



**Meeting Date:** December 15, 2021

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager

**Subject:** Additional Agenda Material #2

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The following material is enclosed as additional agenda material for the December 15, 2021 Land Use Committee meeting regarding tree preservation policy:

1. Ornamental Trees- Additional Information
2. Growth Rate of New Trees- Question from Trustee Dodd
3. Email Communication

#### Ornamental Trees

The Engineering & Public Works Department provided the following additional information regarding ornamental trees:

When there is shade or branching from high above canopy or space confinements, ornamentals or understory trees fill in the void and grow in the intermediate height region (see graphic below).

Their use can be the difference between having and not having a tree planted, particularly if it's excess shade where shade intolerant species will struggle.

While ornamentals do not produce the greatest annual benefits or live as long as their counterparts (large shade trees) and should not be favored over them, they do have a niche in the urban forest structure and add diversity/aesthetics to the landscape.

#### Growth Rate of New Trees

Question from Trustee Dodd: How long will it take a new 2.5" caliper tree to reach 6" DBH:

As general rule, it will take 2-3 years for the tree to regenerate it's root system (ball and burlap tree) and acclimate to its new site (zero or limited diameter growth exhibited), then 0.50 inches diameter growth per year (average rate). Therefore, it will take approximately 8-years for a new tree to reach 6" DBH.

The above is caveated by the following:



The growth rate varies depending on an assortment of interacting variables, such as, species and existing site conditions (genetics, surrounding tree density and competition, canopy position, sun/shade exposure, live-crown ratio, etc.); soils (site index, soil moisture and drainage, soil compaction, pH, fertility, etc.); weather (strong winds, ice damage to crowns, excessive heat, precipitation patterns and events, etc.); insects and disease; post plant care from owner (irrigation, maintain mulch layer, supplemental fertilizing), etc.

Hybrid elms and freeman maples are fast growers and will achieve 6" DBH more quickly, whereas ginkgos, hornbeams and hickories are very slow growing and will take much longer to achieve 6" DBH.

Date: December 14, 2021

To: Land Use Committee

From: Saima Abbasi (Go Green Wilmette), Piper Rothschild and Anne Nagel

Re: Tree permits, Tree replacements and Heritage trees

Dear Village Trustees,

Thank you for all the work you are putting into reviewing the following topics to be discussed at tomorrow's meeting.

Here is our input:

**Tree permit:**

We recommend that tree permits be required for the removal of any healthy non-invasive tree that is **6" or greater** in DBH or any multiple trunk tree with a combined diameter of twelve inches. Such trees would be designated protected trees.

We use 6" because that is what tree experts, we respect use. The Chicago Region Tree Initiative's Gold Standard Ordinance recommends 6". The Chicago Region Tree Initiative (CRTI) is based at the Morton Arboretum, one of the premier scientific and research organizations focused on trees. CRTI is a partnership of the Arboretum, Openlands, and other local organizations devoted to trees.

CRTI's Gold Standard Ordinance template, which is the only one of their ordinance templates that addresses trees on private property, suggests the 6" standard. Wilmette's recently adopted sustainability plan Wilmette just adopted recommends that we enact CRTI's Gold Standard to best protect our tree canopy. It is logical, then, for our tree ordinance to use that standard.

In addition, the International Society of Arboriculture (ISA) recommends the 6" DBH standard. The ISA is the primary credentialing organization for arborists in the United States. It has over 22,000 members, including our two Village foresters. A major part of its mission is "focused on research and the dissemination of results to contribute to a world with healthier trees, sustainable communities, and a green economy." If they believe, based on their research, that the 6" standard is the best to protect the canopy, we consider that important and worth relying upon.

The 6" standard is not out of the norm for nearby towns. Both Northbrook and Lincolnshire use 6".

Permit fees should be waived for dead, diseased, and hazardous trees of 6" or greater. To assure accurate and consistent decisions, and prevent unnecessary removals, the Village forester should inspect these trees to confirm that they are dead, diseased, or hazardous. Winnetka requires the

Village forester to inspect such trees before they are removed. When dead, diseased, or hazardous trees are removed, homeowners should be encouraged, but not required, to replace the trees.

Permit fees should also be waived for invasive trees. Homeowners should be incentivized to remove them, perhaps with funds to replace them from the tree bank.

### **Permit fee:**

We believe that a permit fee should be charged to cover administrative costs. A fixed fee is acceptable.

### **Replacement Requirements**

The primary goal of the tree ordinance is to preserve existing trees and canopy. If trees are removed as allowed under the ordinance, we believe that the ordinance must include strong replacement requirements. We prefer the inch for inch replacement measure. If there is insufficient space to accommodate the replacement trees required, payment should be made into a tree fund, or bank.

The sole purpose of replacement is to replenish and restore the tree canopy lost when trees are removed. The ordinance should make every effort to require replacement, rather than allow property owners to pay into a fund. It should cost far less to plant a tree than to pay into a fund. Money in a tree bank is great, but it does not provide shade or absorb stormwater.

For this reason, we prefer replacement requirements that use the DBH of trees removed, rather than a flat fee. Using the DBH, or inch for inch, measure recognizes the actual size of the tree that has been removed and correlates to the actual impact the loss of that tree has on the canopy and the community.

Flat fees, by contrast, are not at all related to the tree lost. Instead, as noted, they are based on the cost of the replacement tree. We all understand that a new 2.5" tree is an inadequate replacement in every respect for a 20" mature tree. In fact, as CRTI states, it takes 50 2" maples to provide the same benefits as a 20" maple. In our view, flat fees, especially minimal flat fees based on the low cost of replacing trees, are not sufficient to incentivize property owners to save existing trees or to adequately compensate the community for the value of trees removed.

Not only does the DBH measure consider more accurately the value of trees lost, it works to incentivize property owners to replace trees rather than paying into a fund. Under the inch for inch measure, the cost of replacing trees will be far lower than paying into a fund. As a result, more trees will be planted, and a secondary goal of the ordinance will be achieved.

The CRTI Gold Standard Ordinance agrees that tree replacement fees should be based on DBH, as do many nearby towns with tree ordinances.

We agree that the ordinance should require replacement from a list of acceptable species, which should include only trees native to our area. CRTi suggests that the Village recommend that property owners choose not more than 15% of any one family, 10% of any one genus, or 5 % of any one species. Due to the importance and decline in the planting of oaks, special consideration should be given to property owners who choose oaks. Perhaps they should receive an allowance or reduction in the replacement fee (if necessary) should they choose to plant one or more oaks.

If all required replacement trees cannot be accommodated, another option, instead of paying into a fund, would be to allow a property owner to add green infrastructure improvements, such as rain gardens, that would ameliorate stormwater and add biodiversity.

### **Compliance:**

The replacement requirements will only work if the Village can assure compliance. In addition, the Village will need the actual replacement data to assess the immediate and long-term effectiveness of the ordinance, ie were the proper trees planted after removal and in some future years, do the trees remain and continue to add to the canopy, thus indicating that the ordinance is working.

We agree that penalties should be used to ensure compliance, as should the ability to deny a Certificate of Occupancy.

Other than a deposit, we are unsure how best to assure replacement compliance requirements, except for inspections and penalties, when non-construction related removals occur.

### **Heritage trees:**

We believe that certain trees do require additional protections.

We think that the type of trees that require additional protections should be based on size and species. These trees are designated in many other village ordinances as Heritage, Legacy, or Key and deserve special protection because they are valued more highly for their environmental, habitat, or historical value. We recommend that the new tree ordinance designate certain tree species and sizes as Heritage. Such trees based on their species and size provide immense value to our community through ecosystem services that are unique to these trees. We need to protect and prohibit (as much as possible) the removal of Heritage trees. We propose Heritage trees to have greater protection. For example, should a resident seek to remove a tree that is designated as Heritage trees, the ordinance should:

1. impose significantly increased fees for removal (fees for Heritage should be higher than protected trees).
2. require a significantly greater number of replacement trees or higher payment of funds into a tree bank. (again Heritage > Protected). Requiring that replacement trees be of the same Heritage tree species removed is a valuable option.

3. impose significantly stiffer penalties for unauthorized removal (again Heritage > Protected).

We recommend Highland Park's heritage tree list and would like to see our Village forester's input regarding this as well.

In addition, we recommend that all trees over the diameter of 20" should be considered Heritage Trees. The reason is that the bigger and older trees sequester far more carbon and mitigate more rainwater runoff than younger trees. For this reason, we suggest that more protection be given to Heritage Trees.

We would like to emphasize the value of oaks. In the 1800s, oaks were the dominant trees in Wilmette. Scientists and tree experts, such as the Morton Arboretum, IDNR, CRTI and MWRD, all have recognized the immense value of oaks and are raising awareness about the importance of protecting and preserving them. In addition, Professor Doug Tallamy, the foremost expert on native trees, states that oak is not just another tree- it's a keystone species and thus is the most valuable tree to mitigate climate change. According to his research, oaks support 897 caterpillar species; whereas, other tree species don't even come close in comparison- maples 295, ironwood, 77, and sweetgum 35. Birds depend upon these caterpillars for food- and as we know birds are indicators of the health of our environment.

Please note: We had initially recommended Key Trees as one of the categories. ( Heritage > Key> Protected). However, after more discussions and thinking about this category, we think that it's better to have just two categories. Heritage trees and Protected trees. The DBH that we recommend for the protected trees is 6" or more.

#### **Other comments:**

One of our primary recommendations is to involve the Village foresters at the earliest stage of a construction process. The CRTI Gold Standard Ordinance, and many nearby towns, recommend that a tree preservation plan designed by a certified arborist be submitted as part of the initial permitting process. This plan would include trees to be removed and proposed replacements and be reviewed by the Village forester before any permits are issued.

We hope that the Village foresters will be involved in the decision whether to allow fees to be paid in lieu of replanting trees, as they have the expertise.

In our view, the ordinance should apply not only to non-construction related tree removals, but also to more construction-related removals than our current ordinance does. Most trees on private



property are in rear yards. The ordinance will have the greatest impact if it extends to as many construction-related activities as possible. Nearby towns include garages, patios, smaller additions, and fences in their ordinances. As we all have noted, that more and more homeowners in Wilmette are constructing and adding to their living space with large patios, outdoor televisions, sport courts, and larger, often two-story, garages. These all can have significant impact on trees and impervious surfaces.

We agree that, as noted, public education is important in these situations, but believe that the Village needs to do more to here to fully protect trees. One option would be to have “spot” inspections.



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**NOTICE OF PUBLIC HEARING  
of the  
Land Use Committee/Special Zoning Committee  
Tuesday, January 25, 2022 at 1:00 P.M.  
Village Hall Council Chambers  
1200 Wilmette Avenue, Wilmette, Illinois**

**AGENDA**

- I. Call to Order and Roll Call**
- II. Approval of Minutes**  
  
Minutes of the Land Use Committee meeting of December 15 2021
- III. Continue Discussion of the Village of Wilmette's Tree Preservation Policies**
- IV. Public Hearing for Zoning Amendments as it Relates to Tree Preservation**
- V. New Business**
- VI. Public Comment<sup>1</sup>**
- VII. Adjournment**

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<sup>1</sup> Members of the public that attend the above noticed meeting may address this public body during Public Comment. Members of the public that will not be attending the above noticed meeting may submit a comment in advance of the meeting by emailing their comment to [publiccomment@wilmette.com](mailto:publiccomment@wilmette.com). All emailed comments received two hours prior to the start of a meeting will be provided, unredacted, to the public body. Emails received at any time within two hours of the beginning of the meeting until its adjournment will be included in the draft minutes of the meeting.



**MINUTES OF THE LAND USE COMMITTEE  
WEDNESDAY, DECEMBER 15, 2021  
10 A.M.  
COUNCIL CHAMBERS**

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Members Present: Trustee Peter Barrow, Chairman  
Trustee Kathy Dodd  
Trustee Gina Kennedy

Members Absent: None

Staff Present: Michael Braiman, Village Manager  
Lisa Roberts, Assistant Community Development Director  
Guy Lam, Deputy Director of Public Works  
Kevin Sorby, Village Forester  
Rob Wasley, Forester

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**I. Call to Order**

Chairman Barrow called the meeting to order at 10:00 a.m.

**II. Approval of the meeting minutes of the Land Use Committee meeting of November 16, 2021.**

Trustee Dodd moved to approve the minutes from the meeting of November 16, 2021. The motion was seconded by Trustee Kennedy. Voting yes: Trustees Kennedy, Dodd and Chair Barrow. Voting no: none. The motion carried.

**III. Continue Discussion of the Village of Wilmette's Tree Preservation Policies.**

Chair Barrow began with a recap of the first two meetings about tree preservation policies, stating those meetings resulted in the decision to recommend the "inch for inch" approach to tree preservation rather than the current "tree canopy" approach. He said today's meeting would be about the finer details within the policy. He thanked all the residents for their feedback as well as the Village Foresters and staff. He thanked Village Manager Mike

Braiman for his hours of research and review of tree preservation policies and best practices.

Village Manager Mike Braiman gave a presentation on the Village's goals for their Tree Preservation Policy, which is aimed at minimizing the number of unnecessary removals and ensuring sufficient replacement requirements to maintain and/or grow the community's tree canopy. He said the policy will need to be easy to understand, implement and enforce. He also stated this is about reforestation and not revenue generation.

Mr. Braiman then discussed the areas the Committee would need to work through: size tree that triggers the permit and the replacement requirements; tree replacement/fee calculations; types of trees that are highly desired and ones that warrant additional protections and penalties for non-compliance.

He discussed tree permits and showed a table depicting similar community minimum tree sizes that trigger replacement. He also said other decision points would center on setting the fees and replacement costs as well as determining if fee waivers are appropriate in certain situations.

Trustee Kennedy said that in the table, it appears Glenview is an outlier with their 16-20" range which puts the average for the communities listed at 9". She said if you utilize the mean, it is actually closer to 6 or 7".

Trustee Kennedy concurred and said she prefers to use the mean.

Trustee Barrow said he favors the 6" approach because it is the Chicago's Region Tree Initiative (CRTI) standard which has been incorporated in our Sustainability Plan.

Trustee Kennedy agreed and said it is also consistent with some of our surrounding neighbors.

Trustee Dodd said she is not comfortable with 6". She said she understands the Sustainability Plan calls for this measurement; however, the Sustainability Plan is a guideline, and the Board is not obligated to follow every suggestion. She said she wanted to be sure everyone understood that. She said the goals of this project are very important, and the feedback she has received is that people are not upset when a 6" tree is removed; it is the removal of large Oaks and other heritage trees that is an issue. She added that our closest neighbors are at a measurement higher than 6", which is an issue raised in her discussions with landscapers and architects. She concluded by stating protecting the canopy is the most important aspect of this project, and we should devote staff time to this. She said she feels that using a baseline line measurement of 9" is more practical for this purpose.

Trustee Kennedy asked if the Foresters would be going out to assess the trees for every permit.

Mr. Braiman said he believed this would be necessary and asked the Village Foresters to weigh in. He also said that currently, the ordinance stipulates when a fee waiver is

requested, a Forester must examine a tree for removal to determine if it is dead, dying or diseased. He said this is the bulk of our tree removal permits and feels that number will grow significantly if we go to 6”.

Trustee Dodd said for the sake of these discussions, we should assume that a Forester will be required to review every tree removal permit and to consider the costs associated with this.

Trustee Barrow said whether we set the number at 6” or another number, that is not going to change how we feel about replacing the huge, heritage trees. He said education will be critical going forward no matter what we do. He said if we set the number to 6” and find the Foresters are spending far too much time reviewing smaller trees like this and it takes them away from other critical tasks, the matter can be reviewed and possibly changed. He said he would rather begin at a more protective point and become more liberal if necessary instead of starting liberally and then trying to restrict in the future.

Trustee Dodd said she does not believe there will be complete agreement. She said if we look at the historical data regarding removals, the largest tree sizes being removed were 10 to 18”. She said we can assume that the removals are happening in the smaller tree size range. She also said that the proposed changes to our policy would make the permit process burdensome, as there would be an inspection required for every tree which takes time.

Trustee Kennedy concurred but said she does not believe it has to work this way.

Trustee Dodd said she did not feel like the process was clear.

Mr. Braiman said for the smaller trees he does not necessarily assume it will be a certified arborist managing that process. He said it could be a landscaper or resident. He asked the Foresters to discuss the current process. He also said the current trigger for a forester to review the application is the waiver of fee request.

Trustee Dodd said currently, if we have a tree removal permit for a 6” tree there is a review.

Trustee Kennedy said no, it is only if the fee is requested to be waived.

Mr. Braiman concurred.

Kevin Sorby, Village Forester, said typically the resident or an arborist will reach out stating they have a dead or diseased tree, and the Foresters will go out to take a look.

Mr. Braiman said based on feedback, replanting is the desired outcome and not a fee in lieu. He said in doing so he believes it will be necessary for a Forester to go out and review the site to determine if a tree can be replanted on the property. He said if we are going to enforce the ordinance as envisioned, we will be visiting many sites.

Trustee Dodd said 80% of the trees being removed are due to disease, death, storm damage, etc., and there is a fee waiver with those, so we can assume they are already requiring a review by a Forester.



Trustee Kennedy said she proposes that we shift the burden to the homeowner and require them to get a landscaper or certified arborist's report. She said we could also require proof that they have replanted a tree. She said she wants to avoid too much involvement in what people are doing on their private property while making it less onerous for staff. She said for smaller trees, we can choose to trust what our residents report.

Trustee Barrow asked what kind of engagement our neighboring communities have in similar situations.

Rob Wasley, Village Forester, said Winnetka does review all tree removal permits.

Trustee Dodd asked if most residents bring a landscaper or arborist report with them when they apply for a permit or do they expect Village staff to do that. She also asked if the Committee felt comfortable utilizing a landscaper for this task or do they want to require an arborist.

Mr. Wasley said it is a mixture. He said it depends on the individual homeowner and the type of tree being removed. He said the Village gets calls to assess the health of trees; however, unless the tree is a hazard, they are instructed to get their own professional.

Mr. Braiman said his personal experience in Northbrook has been that an arborist from the Village came out to inspect the trees just as in Winnetka. He said he thinks this is the expected process to enforce the ordinance. He said for smaller trees, it is possible to do as Trustee Kennedy has suggested.

Mr. Wasley said currently our permit is for trees more than 10" in diameter so we are not tracking data on trees of smaller size. He said we get questions about this regularly.

Trustee Dodd said trusting our community is important. She said education is a crucial component. She suggested requiring a permit for trees of 6-10" or whatever threshold we set so data can be tracked. She said we could make that a process whereby the resident pays a fee and receives educational materials about protecting trees, and then we trust the resident to do the right thing.

Trustee Kennedy said we should not just "trust," but should discuss the threshold diameters. She said for smaller trees if you tell people they cannot remove them unless they are hazardous and those trees need to be replaced, this is not an onerous requirement. She said she does not think we need to have the arborists review the health of the tree and its replacement in these situations.

Trustee Dodd said if they request a fee waiver, we need to go out. She asked Trustee Kennedy if she is proposing residents may take down a smaller tree at their own discretion with no formal review from the Village.

Trustee Kennedy answered affirmatively. She said we will trust the resident's representation on the smaller trees.

Trustee Dodd asked if we were requiring a review currently just to collect data.

Trustee Kennedy said that is part of it, but she thinks it is more to fund the program to cover the costs of the permitting process.

Mr. Braiman said in this scenario, we may want to scale our permit fees to cover our costs. He said the proposed \$75 fee is meant to cover the cost of processing the permit and for the arborist to go out and assess the tree. He said on a smaller tree, if we are not going to require an arborist's assessment, keeping the fee where we are now makes sense.

Trustee Kennedy said she thinks most of the residents are honest, and she does not want to imply there is a regime in place that double checks or questions the word of its residents, particularly for the smaller trees.

Trustee Dodd said we are requiring replacement but are not monitoring replacement.

Trustee Kennedy concurred.

Mr. Braiman said if we are requiring replacement but not managing enforcement, it will be haphazard enforcement, which may create an expectation within the community that the Village can treat each case differently. He said if we encourage plantings or provide trees at not cost to these cases, that may work better.

Trustee Kennedy said she feels there are ways to work around the enforcement administratively. She said there are many ways for residents to submit proof that they have purchased a new tree.

Trustee Dodd said this will be a lot of work for staff. She asked if we want to create this process around 6-9" trees. She suggested requiring no permit for trees of this size.

Trustee Kennedy said the data collection is important so requiring a permit is a good idea.

Trustee Dodd said she agrees with Mr. Braiman and shares his concern about the perception the Village could be treating residents differently depending on the case.

Trustee Kennedy agreed and said she does not want to overburden staff and does not feel so much effort needs to be directed at the smaller trees. She said she thinks there is some middle ground.

Chair Barrow said he does not understand how this can be a burden in Wilmette and not Winnetka. He said the two communities are far more alike in their policies.

Mr. Braiman said we have more homes so there will be more permits and removals for one person to handle, and Winnetka is at 8" for their threshold. He said staff will manage whatever the Board and Committee put in place but wants to be sure we set expectations and that the Committee understands where our energies will go.

Chair Barrow said he feels our energies should be spent preserving our large, mature canopy

producing trees and focusing on the removals is not inconsistent with that. He said he does not feel resources will be drained such that we cannot examine whatever approvals and reviews are necessary for the removal of very large trees. He said setting a threshold for smaller trees will not interfere with that.

Trustee Dodd said if you look at the numbers, over 40% of trees that were removed in 2019 with the average diameters between 10 and 18", so we will be adding a whole other level of tree removals. She said people plant trees that may not live for a variety of reasons. She said she believes this will be a burden on the Foresters, especially if we require a fee waiver to do that.

Chair Barrow said what is being proposed feels like we would be going backward and providing less protection to our trees than we currently do.

Trustee Dodd said currently we do not have any requirements on any tree taken down unless it is for construction. She said for trees 8" and above, we are doing significantly more than what we are doing now.

Chair Barrow said below 10", he does not feel we know the data.

Trustee Kennedy concurred and said if a tree reaches 6", it is a survivor and will continue to grow unless it becomes diseased or damaged. She said they are not being removed because they are not thriving; they are being taken out for other reasons.

Chair Barrow said 2 members of the Committee, as expressed, are comfortable with a lower diameter for the threshold while 1 suggests a higher number.

Mr. Braiman concurred and asked if there was consensus on collecting permits starting at the 6" size, encouraging but not requiring replacements, providing trees for replacement and collecting the data and coming back to the Committee to determine if that warrants replacement requirements for those trees.

Chair Barrow asked in utilizing that approach, is there a threshold for replacement.

Mr. Braiman said it would be whatever the Committee feels is appropriate.

Trustee Kennedy said she prefers replacement but does not recommend putting a large level of surveillance at 6". She said she does not want to get into the business of micromanaging residential yards but requiring replacement of a small tree does not seem unreasonable.

Mr. Braiman said the issues seem to revolve around the management of enforcement.

Trustee Kennedy said she sees a general issue in the community of people not obtaining permits when they should. She said the enforcement that is conducted is generally from a neighbor calling in to say there is work being done without a permit.

Mr. Braiman said much of the responsibility falls on the contractor; they know what is expected. He said it is much easier to get away with this on work that is done inside the

home. He said it is rare for a tree to be removed without a permit since it is so visible.

Trustee Kennedy said not so much in a backyard; it would depend on the size of the tree. She said she believes in making note of everyone's concerns on the Committee, but the end vote should be on a total package and not individual points.

Chair Barrow said he understands Trustee Kennedy's point.

Trustee Dodd said she sees these components as four distinct things and the permit topic will have the most impact to the entire program. She said to provide framework to the Board will be important.

Mr. Braiman said a report would be drafted that includes each Committee member's feelings about each topic which will be shared with the entire Board in advance of the vote.

Trustee Dodd said she does not believe there is a majority or consensus on the permit topic.

Trustee Kennedy said the vote she was referring to was to vote on the whole plan and not particular issues; however, Trustee concerns would be noted in the report.

Mr. Braiman said that was how some of the Human Relations Commission issues were handled.

Mr. Braiman said staff's recommendation was to have the permit fee reflect the administrative costs for staff time. He said the variable fee can be researched if the Board wishes; however, staff is recommending a fixed fee of \$75.

Chair Barrow said he preferred a fixed fee.

Trustee Kennedy agreed but said when talking about redevelopment of a site where there are multiple trees and tree protections to be enforced, a higher fee is warranted in these situations.

Mr. Braiman said staff can work through this during the process. He said currently, we charge fees per tree. He said he agrees there is more time spent in situations like Trustee Kennedy mentioned and that an inspection fee can be implemented as well. He said currently, the fee is waived for dead, diseased or dying trees and staff wants to continue this practice. He said it is possible we may add a fee waiver for invasive species trees as well. He said permit fees and replacements costs are also recommended.

There was consensus on these points.

Trustee Dodd asked if multi-stemmed trees fit into these parameters.

Mr. Braiman said the calculation is the same as what we use for parkway tree removals, and if the threshold is met the replacement requirement is triggered.

Mr. Braiman moved on to tree replacements and fees in lieu. He said the majority of

communities do this on an inch-for-inch basis and others set the number of replacement trees based on the size of the tree removed or the species.

Chair Barrow suggested creating disincentives for the removal of large, valuable trees. He said we should create a fee schedule that makes it considerably more expensive to replace a tree that is contributing to our Village well beyond the cost of replacing the tree.

Mr. Braiman said Lake Forest treats their large (25" or greater) trees as heritage trees and fees double for those removals. He said this can serve as a disincentive.

Chair Barrow said if a tree is diseased or dying, it will need to come down; however, if the tree is being removed for aesthetics, our fee structure should be such that it makes it far more difficult.

Trustee Kennedy noted the table that was displayed in the PowerPoint seemed off to her for the inch-for-inch method.

Mr. Braiman said the table was more consistent with the Highland Park ordinance.

Trustee Kennedy said this does not disincentivize people from taking down the large trees and does not do much to protect the canopy.

Mr. Braiman said this is just framework.

Chair Barrow said he is very concerned about preserving the wonderful and healthy old, broad-canopy trees. He said these fee structures will make people think twice about removing them. He said he feels trees over a certain size, should have an administrative process for approval, similar to obtaining a zoning variation.

Trustee Dodd concurred and said in addition to a fee in lieu, there should be an additional fee to address the removal of large, heritage trees. Regarding tree replacements, she said the average lot size in our community will allow for the planting of 3 large trees, and she is concerned about requiring replacements that people may not be able to fit on their lot. She said this is not a revenue generating source, so we need to proceed with caution on the replacement requirements.

Trustee Kennedy said it is really not possible to adequately replace a 25" diameter tree with these size lots.

Trustee Dodd concurred and said that is why the fee should be significant for that.

Trustee Kennedy said in addition to a larger financial fee, we can possibly make it more difficult administratively to remove a healthy tree of this size.

Trustee Dodd said we have consensus about these large trees and their importance, but 80% of those trees are coming down because they are dead or dying so we need to address encouraging those residents to replant. She said when you lose a large tree, the cost to remove it is significant and the cost of the new tree is on top of that. She said if we can



offer those residents financial assistance in replanting new trees, that will go a long way to protecting our tree canopy. She said we lost a lot of trees to the Emerald Ash Borer and did not require those people to replace the trees.

Trustee Kennedy said we also lost many trees to storm damage and they are not reflected in the data because we do not require a permit for a tree that is already on the ground. She said it is impossible to determine how many large trees were lost in the last decade to storm damage.

She said the current discussion is centered on healthy trees being taken down, but she did agree that encouraging residents to replant new trees is a priority.

Trustee Dodd said she brought up this point because we need the fee to build this program.

Chair Barrow said he believed there was a consensus on this point. He said utilizing a tree fund to help residents remove large, dying trees and replanting new ones is a very good way to spend public dollars.

Mr. Braiman asked if there was a preference of using the inch-for-inch approach or a set number of trees based on the removal approach.

Trustee Kennedy said she had an alternative suggestion. She said for smaller trees (6-8”), she feels a set number for replacement is prudent. She said for larger trees, she feels the inch-for-inch approach is the best.

Mr. Braiman said for declining trees, staff suggests giving the Forester the ability to reduce the requirements if the tree is declining but not dead or dying. He said we have a list of acceptable trees to replant, and staff is recommending having the Forester approve the resident’s choice. He said this is slightly different than what other communities are doing in that in other towns, the resident picks the tree with no further involvement from staff. He said staff feels there needs to be involvement to ensure biodiversity in our tree species.

Trustee Kennedy said we should have the option to replace the tree in kind if the tree is part of an established landscape plan.

There was consensus on this point.

Chair Barrow said the Foresters can use discretion and be flexible in those situations.

Trustee Dodd asked if the selection process is such that if a medium size tree is replaced, the resident will be required to replace it with a medium sized tree.

Mr. Braiman said it will depend on site conditions. He then asked the Committee if they agreed on accepting a fee in lieu of replacement. He said depending on our goals, we may want our Foresters to determine if a replacement tree is a viable option and only if it is not, a fee can be accepted.

Chair Barrow said simply accepting a fee in lieu is not the correct approach because we do

not want people being able to write a check and not contribute to our tree stock. He said if our Foresters determine the site is such that additional trees are appropriate and the homeowner does not want to plant, they should be required to go through some type of administrative process to obtain a waiver.

Mr. Braiman said that is not inconsistent with our current ordinance in that if you do not meet the 35% threshold, you need to replant.

Trustee Dodd asked for clarification of Chair Barrow's statement.

Chair Barrow said he was thinking about situations where a homeowner simply does not want to replant trees. He said if the Forester says a particular site can accommodate 3 trees, but our requirement states the replacement is 4 and the homeowner wants to plant less than that, an administrative process would be appropriate.

Trustee Kennedy said ideally, she would like to make people replant trees; however, if they truly do not want to and are forced to do so, it is possible they will not maintain the tree properly and it may die.

Mr. Braiman said the new Forester will collaborate with the resident so there is opportunity for education and encouragement that is not in place currently. He said even if we accept a fee in lieu, the interaction between the resident and Forester could possibly result in the homeowner deciding to replant a tree.

Chair Barrow said he disagrees. He said if someone pays for the installation of a new tree, they will most likely maintain their investment.

Trustee Kennedy said her neighbor did something like this when they wanted to install playground equipment and make room for their kids to practice hockey.

Trustee Dodd said that is an exception and not the norm. She suggested letting the Forester decide what the replacement requirements should be for a particular lot.

Mr. Braiman said he would be concerned with inconsistency.

Trustee Kennedy discussed her ideas for replacement numbers and costs in lieu. She said for smaller trees the numbers would be lower and a fee in lieu of those could be the recommended \$500. She said for the larger, more valuable trees, like Oaks, Walnuts, Elms and Hickories, there would be more protections in place and a higher fee. She said for any tree over 20", the protections would be higher as well. She said some of the larger trees in our community may be less desirable, such as the cottonwood, but they provide the benefit of holding carbon, so we need to protect these types of trees as well. She said for the 20" and over trees, an inch-for-inch actual payment is justified. She said we do not want those really big trees to come down.

Chair Barrow said the financial penalty will help deter this.

Trustee Kennedy concurred.

Mr. Braiman asked for clarification on Trustee Kennedy's suggestions for protection of certain sized trees.

Trustee Kennedy suggested no protected trees for 8" diameter or less. She said when you get to 12", the protections would vary depending on species. She said up to 20", it would be any tree.

Trustee Dodd asked if other communities start their protections at 12".

Mr. Braiman said the numbers are all over the place. He said in Northbrook 12" is the starting point for 16 different species and Highland Park is similar.

Trustee Kennedy said they are all different and difficult to compare. She said this is somewhat arbitrary but 12" is a common standard. She said 20" and up, the tree species should not matter.

Trustee Dodd said Trustee Kennedy's suggestions are similar to what staff is proposing except there is a different replacement requirement and fee structure for whatever we deem are protected trees. She asked if the \$3,000 fee was in lieu for protected trees in the 12" to 16" range.

Trustee Kennedy said yes.

Trustee Dodd said she suggests leaving the replacement requirements where they are but assessing a higher fee for a protected tree.

Chair Barrow asked if the fee in lieu is per tree.

Trustee Kennedy said it is.

Chair Barrow said he agreed with Trustee Dodd that the fees should be substantial for the removal of larger trees. He said he favors making them even higher than proposed.

Trustee Dodd said for a 12-16" tree, 5 trees are required to be planted. She asked if the Forester believes the lot can hold 5 trees and the homeowner only plants 3, do we charge them a fee in lieu of each of the 2 trees they did not plant.

Trustee Kennedy said no, the fee would be \$1,000. She said we are calculating the replacement costs at \$500 per tree.

Trustee Dodd said the fee is based on what you do not plant.

Trustee Kennedy concurred and said the wording could be a little better written to explain how the fee is calculated.

Trustee Dodd said for protected trees it would be whatever the Committee decides.

Corporation Counsel Jeff Stein said you would increase the number of trees required to be planted. He said the goal is to encourage planting trees.

Trustee Dodd agreed but said she struggles with putting a policy in place to require the planting of a number of trees that may not be viable on a given lot. She said it is like putting a policy out there that people cannot meet.

Mr. Stein said that is why you give the option to pay a fee in lieu.

Trustee Dodd said most lots cannot hold 6 trees.

Mr. Stein said the goal is to encourage planting new trees.

Trustee Dodd said what she was getting at is if we require 7 trees and the Forester determines 4 is the viable number, there should still be a fee.

Trustee Kennedy said the wording needs to be more concise.

Trustee Dodd said she prefers a chart similar to what they were viewing but with a column that lists additional fees.

Trustee Kennedy said she thinks we need to go higher than 25" for the top threshold.

Trustee Dodd said she likes Trustee Kennedy's suggestion on the tree thresholds, but she does not feel you need inch-for-inch for all trees. She said once you get to the larger trees, the inch-for-inch approach makes more sense.

Trustee Kennedy said the numbers could be discussed and refined.

Mr. Braiman said it seems we are focusing on the larger trees and moving in the direction of using inch-for-inch when the tree is over 20". He said we want to protect all trees; however, the main focus will be on those larger trees. He said for trees 11" and smaller, the number of replacements could remain at 1. He said for 12-19" trees, some communities do a ½ inch for ½ inch replacement with a higher fee in lieu. He said this may be prudent and by eliminating species as a consideration, it will be more simplistic.

Trustee Kennedy said she has two categories in her suggestion; any tree over 20" regardless of species and a tree of a protected species between 12 and 20".

Mr. Braiman said they need to come up with a few different examples and present them to the Committee.

Chair Barrow said these suggestions are valuable. He said we need to keep our focus on both size and species.

Trustee Dodd said she likes the suggestion of a combination of both. She said she approves of the three categories Mr. Braiman mentioned earlier. She said she does not like the 8-12" threshold requiring 3 trees. She said she thinks this will help preserve and grow our tree

canopy.

Trustee Kennedy said we are protecting future canopy with these new suggestions.

Trustee Dodd said not all 6-8" trees will do that. She said much depends on the type of tree and she wants to be mindful of the type of tree and the replacement requirements.

Trustee Kennedy said we need to be mindful of more than canopy. She said we should consider things like carbon sequestration.

Mr. Braiman said we will put together three difference scenarios that account for size and species.

Trustee Kennedy said any of the special species 12" or larger and any tree regardless of the species 20" or larger is what she suggests for protection.

Mr. Braiman moved on to desirable trees, stating there is a desire to protect certain trees. He said different communities do this in different ways. He said we need to determine our desired species and what protections to place on them. He said in some communities they increase the replacement requirements and others prohibit removals and some have instituted a combination of those. He said staff suggests prohibiting the removal of any heritage tree, which would be any tree 25" or more in diameter. He said having a variation process in place for appeals is prudent.

Trustee Kennedy said the big goal is to keep trees from being removed and creating financial deterrents should not be the first line of defense.

Chair Barrow asked Mr. Braiman if the staff involved in the administrative process would be in Community Development.

Mr. Braiman concurred and said he envisions the new Forester being an employee in the Community Development Department. He said this employee would need to be involved at the very beginning of a construction project.

Chair Barrow asked if Mr. Braiman based this on size or a combination of size and species.

Mr. Braiman said it was based on size because it captures more trees.

Chair Barrow asked why size captures more trees if you have a heritage protected tree that is not of the designated size.

Mr. Braiman said in Highland Park lists 4 types of trees of a certain size that are prohibited from removal. He said in this scenario, it is any tree over a certain size. He said in Northbrook they have 18 different species in their ordinance.

Trustee Kennedy said we can come up with our own list.

Mr. Braiman said we could, but it would shrink the number of trees we could prohibit from

removing.

Trustee Dodd said size is a better measure than species since most people look at the size of the tree and its canopy.

Chair Barrow said this process has an educational component designed to encourage residents to think differently about our trees and species is important. He said maybe the threshold diameters should be changed. He said he worries about a 24" oak tree that may not get the protection it needs due to the size threshold. He said he knows there needs to be a threshold, but he thinks we can identify trees that really count and do more for those.

Trustee Kennedy agreed but said the list needs to be broad enough to ensure diversity.

Mr. Braiman said Northbrook and Highland Park have heritage designations. He gave an example of an Oak tree being defined as heritage at 30" or greater in their ordinances. He said by using a general size threshold of 25" or greater, you would capture more trees. He said in Highland Park and Northbrook, Elms are not considered heritage until they are 36" or greater in diameter.

Trustee Kennedy said that approach restricts the number of Oak trees protected, since some Oak trees never get to that size.

Trustee Dodd asked what other communities are doing and if their thresholds are lower.

Mr. Braiman said Glenview's list is broad, but they do not prohibit removals.

Trustee Dodd said our suggested policy is more restrictive than other communities in so far as what triggers the zoning process.

Mr. Braiman concurred.

Trustee Dodd asked in terms of triggering the zoning process, is this is any tree in the buildable area.

Mr. Braiman said it would be in the required yards outside the buildable area.

Trustee Dodd said just the replacement requirement is triggered in the buildable area.

Mr. Braiman concurred.

Trustee Dodd said she is comfortable with that.

Corporation Counsel Jeff Stein said you do not want to restrict the property owner's use of their lot.

Mr. Braiman said the owner would need to prove a hardship.

Mr. Stein said yes, these situations are few and far between, but they can arise.



Trustee Dodd said she thinks including this is in the non-buildable area makes the most sense.

Chair Barrow concurred and said there is a balance of property rights. He said at the end of the day, those will be approved so long as the replacement obligation is met.

Trustee Kennedy asked if the buildable area includes accessory structures.

Mr. Braiman said that will be a discussion for a later meeting. He said if the Zoning Code allows for something to be built, we would be hard-pressed to deny.

Mr. Stein said the key is that there is a process to review these cases.

Chair Barrow said he feels the number ought to reflect a lower number for valuable species, and the species can be identified with the help of the Foresters.

Trustee Dodd said she likes what is being proposed.

Mr. Braiman clarified that Trustee Dodd prefers 25" or more to prohibit removal; Trustee Barrow was at 25" for all species.

Trustee Kennedy said she was at 25" for all trees and if for certain species, there would be a lower threshold, she was good with that as well.

Trustee Dodd said this would be more restrictive than the communities we surveyed.

Mr. Braiman said it would be more restrictive than Highland Park and Northbrook. He said Highland Park has a very tight list so he thinks these proposed ordinance changes would be somewhere in the middle.

Trustee Dodd asked if the Committee would prefer a smaller list.

Chair Barrow said a smaller list would be ideal from an administrative perspective but that he would leave that to the discretion of the Foresters.

Trustee Kennedy concurred and said protecting the diversity of trees in the community is important so leaving it up to the Foresters is prudent.

Mr. Braiman then discussed penalties, stating we already have some in our Ordinances. He said staff recommends continuing with these but adding some additional penalties or fees to ensure compliance. He said one fee would be a fine for failing to replant the required number of trees and another would be for a late fee on fees in lieu that are delinquent with the ability to place a lien on the property if left unpaid.

Chair Barrow asked if we charge late fees in other instances.

Mr. Braiman said there are late fees for utility bills, parking fines and surcharges for work

without a permit.

Chair Barrow asked if we have placed liens in the past.

Mr. Stein said we have for unpaid utility bills or after hearings where there is a judgment issued.

Mr. Braiman said it is not often; it is a last resort. He said we can also hold issuing the Certificate of Occupancy on properties that do not follow our Ordinances.

Chair Barrow said while this is not a revenue generating objective, some modest encouragement is appropriate via these penalties and fees.

Trustee Kennedy said if we give contractors and developers notice of our tree protections and they defy the Ordinance, we should have a fine for that as well and a repercussion for multiple offenses by the same vendor.

Mr. Stein said we license most of the contractors and landscapers and in a case where one is repeatedly violating our ordinances, court action may be necessary. He said he has never experienced this; however, he sees the need for stiffer penalties for repeat offenders. He said the current fines we have could be increased for repeats. He said we have this for other violations in our Code.

Trustee Kennedy said for homeowners who may not be aware of the permit process, a \$1,500 fine seems adequate, but for a business entity who repeatedly scoffs at compliance, we may need to increase it.

Mr. Stein said we could go after their license for doing that, but ultimately, it is the homeowner's responsibility for what actions are taken on their property.

Mr. Braiman said the fines are in addition to the cost of replacements. He said the fine for certain instances may need to be higher.

Chair Barrow asked if a tree is removed without a permit, can we determine the size and specie of tree after the fact.

Mr. Braiman said it depends on the timing of when we find out.

Trustee Dodd said once this ordinance is complete, we need to educate residents about these ordinance changes and penalty fees.

Mr. Braiman said this is the goal; to consolidate information on these changes and new tree protection policies and then get the word out to residents, contractors and landscapers.

Chair Barrow said it may be appropriate to have a grace period for education before enforcement begins.

Mr. Stein said we did that in 2009 with the Building Code changes. There was a robust

education campaign and a delayed enforcement date. He said when he drafts this ordinance, he may make it one unified chapter in the Code.

Chair Barrow said that would be ideal.

Trustee Kennedy said we are one of the last communities to be implementing this and the contractors working here probably work in our neighboring towns so this will not be a surprise for them. He said they may not know the details, but we should not need a very long lead time in the delay of enforcement.

Mr. Braiman said it may not be necessary, but we can work on the timing. He said we have been doing outreach to the community to follow this process so it should not be new news.

Mr. Braiman discussed other considerations such as requiring a certified arborist tree survey for large construction projects; the calculation of multi-stem tree replacements to be similar to existing Village Right-of-Way contracts; the permitting of ornamental tree removals and budget impacts.

He said for the next meeting, staff will put together concepts and focus on the areas where we need further review and discussion. He said the Committee could decide at the next meeting how they wish to continue with the draft ordinance and the timing of its presentation to the Board.

Trustee Kennedy asked if the meetings could be held remotely.

Mr. Stein said no.

Trustee Kennedy said Evanston was holding remote meetings.

Mr. Stein said we do not have an Emergency Declaration in place currently.

Mr. Braiman said the next meeting date being so far ahead is helpful due to the amount of work before staff along with the upcoming holidays.

Chair Barrow opened up the floor to public comment.

Steve Later, 515 Greenleaf Avenue, said tree maturity takes years so it makes sense to protect the 6" trees. He said we need to embrace these tree protections and not look at them as a "burden" for staff. He said the larger burden to Forestry is that the Village Foresters are not dedicated solely to forestry; they are working in Public Works and get pulled into other projects that are not related to forestry. He said those burdens should be shifted to allow our Foresters to work as a forestry dedicated operation. He also said the Board approved \$145,000 for salt. He suggested shifting those funds into forestry.

Piper Rothschild, 1046 Elmwood Avenue, thanked Mr. Braiman and staff and Board members for the work they have done. She said communities have adopted a 6" DBH standard and have adopted Urban Forestry Plans. She said she supports this and thinks the Village should follow suit. She said for heritage designation, she suggests any tree over

20" DBH. She said Kenilworth and LaGrange use 18" for heritage tree designation. She said certain species at 10-12" have more ecological benefits than a 20" DBH tree. She said regarding replacement trees, she prefers the inch-for-inch approach. She said the Chicago Region Tree Initiative said it takes 50 2" Maples to replace the benefits of one 20" maple. She went on to say she agrees for construction related removals a tree survey is crucial as well as a tree preservation plan before the permit is issued. She said for all non-construction related removals, the permit should be detailed enough to ensure the homeowner complies with the ordinance. She said she had lists of heritage specie trees as well as a book on native trees and shrubs for the Forester's review. She said it might make sense to make a list of vendor's who sell trees that are on our ultimate list. She said while trees may be located on private property, they benefit the entire community; therefore, permitting requirements should be different than the normal standard. She said she would like to see a more robust ordinance.

Chair Barrow thanked Ms. Rothschild for her valuable ideas.

Cady Liederbach, 624 Linden Avenue, said she has 6 landmark/heritage trees that she has been caring for since 1995. She said they are 25" in diameter. She said in the spirit of education, there are some good books the Committee may want to read some books by Doug Tallamy, specifically his book about the importance of Oak trees. She said it would be helpful to pass the knowledge down to the community. She said he has written other books about homeownership and the importance of native specie trees. She said the issue of saying a 6" tree is small is not necessarily the truth. She said it takes a 2.5" tree 8 years to grow to 6". She said it is also important to note the circumference of trees in addition to the DBH. She said she feels a 6" DBH tree is an established tree and should be protected. She also said a life span of a tree is hundreds of years. She said a resident may live on a property for 20 years which is only a tenth of the tree's life. She said she does not feel this gives the property owner the right to do what they want with the tree.

Amanda Nugent, 500 Lake Avenue, said 6" vs. 10" is essential. She said we have a lovely community of older Oak trees, but you do not see many 6 to 10" Oak trees. She said if we allow people to remove 6" Oak trees without question or penalty, we will not have 10 or 12" Oak trees in the future. She said species is essential and complimented Ms. Liederbach's recommendation to read Mr. Tallamy's books. She said she thinks keeping the Ordinance simple is underestimating the community. She said species has to be a primary consideration in this new ordinance in addition to the size. She said while trust is a wonderful word, she feels there would be a lot of Wilmette residents who just want to get rid of trees and would use their wealth to pay fees in lieu of replacing trees. She said the penalties need to be high to deter removing a valued species. She said making someone plant 5 trees in place of 1 is not practical. She said it may be possible to use shrubs and smaller trees to make up the replacement requirements, and these plants support wildlife, sequester carbon and support our ecosystems. She said invasive trees need to be addressed as well and should be free of charge to the homeowner to remove.

Alice O'Laughlin, Landscape Designer at Chalet Nursery, thanked the Committee for their work. She said the 6-10" is of great concern in the community. She said the concern from her industry is what kind of backlog will be created by the increase in permit volume if these ordinance amendments are enacted. She said tree removals are usually the first step in the construction process and if that is delayed, the entire project can come to a halt. She

said the definitions for heritage trees is tricky because by stating a tree is “heritage” if it is over 20” can be problematic depending on the species. She said she has seen large cottonwoods dropping large limbs and those types of trees should be allowed to be removed. She said the fees for removing a tree without a permit are way too low. They need to be increased because she has had people say I will just take the tree out and pay the fee. She said making the ordinance clear in the Code is an excellent idea.

Steve Leonard, 1035 Mohawk Road, said at the last meeting he discussed his neighbors removing a bunch of trees and implored the Committee members to consider direct effects neighboring properties experience when that happens. He said there needs to be notification to the neighbors for opportunity to express their opinions. He said this could be important to the community. He asked if there is a consideration for trees that form a hedge or grouping having impact on neighbors. He also questioned whether there should be different considerations for development on a piece of property for people moving a tree for a construction purpose and those just wanting the tree gone.

Mr. Braiman said if we go down the route of prohibiting removals that trigger a variation process, that would trigger neighbor notification which would allow feedback to go to the Community Development Department.

Trustee Kennedy said we are keeping comments short in person, but citizens can send an email or letter for the Committee to review.

Mr. Braiman concurred and also said people can call to discuss their views.

Chair Barrow closed public comment.

Trustee Dodd said we had a great discussion and the Foresters have been on hand listening. She said if staff thinks differently than the Committee, they need to voice their thoughts.

Mr. Braiman said this is a team effort and all discussions are including staff members like the Foresters so if they have concerns with any of the proposed changes to the ordinance, they will communicate this.

Chair Barrow said he feels the Foresters have been an underutilized resource and hopes in the future that is corrected.

#### **IV. New Business**

There was no new business.

#### **V. Public Comment**

There was no public comment.

#### **VI. Adjournment**

Trustee Kennedy moved to adjourn the meeting. Trustee Dodd seconded the motion. All

voted aye. **The motion carried unanimously.** The meeting was adjourned at 12:37 p.m.

Respectfully submitted,

Karen L. Norwood  
Deputy Village Clerk





**Meeting Date:** January 25, 2022  
**To:** Land Use Committee of the Village Board  
**From:** Michael Braiman, Village Manager  
**Subject:** Land Use Committee Meeting #4- Tree Preservation

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The Land Use Committee (LUC) of the Village Board will hold its fourth meeting regarding tree preservation on January 25. In an effort to meet the LUC's goal of finalizing the tree preservation policy prior to the spring construction season which begins in early April, the following schedule is contemplated:

- January 25: LUC considers final policy components and holds a public hearing on amendments to the Zoning Ordinance
- February 8: Presentation of LUC's report to the Village Board
- February 22: Introduction of ordinance amending tree preservation policy
- March 8: Adoption of ordinance amending tree preservation policy

This schedule is subject to change depending on the outcome of the January 25 LUC meeting and feedback from the Village Board.

#### Tree Preservation Policy

At its December 15 meeting, the LUC made considerable progress in reaching consensus on a number of tree preservation policy components. There are three primary topics for which the LUC will focus on at its January 25 meeting:

- Permits- What size tree triggers a permit and replacement requirements
- Replacements- What are the appropriate tree planting/fees in lieu of replacements
- Desirable Trees- Will there be additional protections for desirable trees and what is considered a desirable tree?

A memorandum summarizing the recommendations from the December 15 LUC meeting and discussing the above decision points is attached.

#### Zoning Considerations

The LUC will hold a public hearing as a Special Zoning Committee on January 25 to consider text amendments to the Zoning Ordinance which are intended to encourage tree preservation. The proposed amendments include:

- Prohibiting the removal of certain trees in the required yards, subject to the variation process
- Administrative (expedited) zoning relief process to for certain projects in order to preserve trees

A memorandum from the Community Development Department is attached. If the LUC is supportive of the proposed zoning amendments, an ordinance will be drafted for consideration by the Village Board.

**Documents Attached**

1. Memorandum Regarding Tree Preservation Policy
2. Memorandum Regarding Zoning Text Amendments
3. Communications from the Public



**Meeting Date:** January 25, 2022

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager  
Guy Lam, Deputy Director of Public Works  
Kevin Sorby, Village Forester  
Rob Wasley, Village Forester

**Subject:** Tree Preservation- LUC Meeting #4

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The Land Use Committee (LUC) has met in October, November and December to consider amendments to the Village's tree preservation and protection policies. Through these meetings, the Committee has determined that the Village's current tree preservation policies are not adequate to protect the Village's tree canopy. Accordingly, the LUC is working to draft a revised policy for the Village Board's consideration. The Committee's process has been as follows:

**Meeting #1 – October 21, 2021**

- Reviewed available Wilmette-specific tree data
- Reviewed current Village policy and how the policy is implemented
- Reviewed (for reference purposes) the policies in nearby communities
- Solicited public feedback (at all meetings)

**Meeting #2 – November 16, 2021**

- Determined the LUC's preferred policy approach
  - The LUC found that the Village's existing tree canopy coverage policy is not sufficient, and a new approach is warranted

**Meeting #3 – December 15, 2021**

- Considered tree preservation policy details (see page 2 for items which the LUC reached consensus); the LUC received memorandums regarding zoning incentives and tree protection standards (no action necessary on tree protection)

**Meeting #4 – January 25, 2022 at 1:00pm**

- Finalize tree preservation policy components
- Public Hearing regarding zoning amendments

## **Background**

At the LUC's November 16 meeting, the goals of a tree preservation policy were discussed and included:

- Minimize the number of unnecessary removals when trees are removed;
- Ensure sufficient replacement trees are planted to maintain and/or grow the community's tree canopy over time;
- A policy which is:
  - simple and easy to understand;
  - enforceable;
  - reasonable for the property owner; and
  - focused on reforestation and not revenue generation

On December 15 the LUC considered policy details and reached consensus on a number of items which are outlined below. Additionally, the LUC continued discussions to its January 25 meeting on the following:

- Permits – What size tree triggers a permit and replacement requirements?
- Replacements – What are the appropriate tree planting/fees in lieu of replacements?
- Desirable Trees – Will there be additional protections for desirable trees and how are desirable trees defined?

Other miscellaneous topics based upon feedback from the December 15 meeting for the LUC's consideration on January 25 include penalties, multi-stem trees and reporting. These items are discussed briefly on pages 8 – 9 of this memorandum.

## **Items of Consensus from December 15 LUC meeting**

The following is a summary of the decisions points made at the LUC's December 15 meeting and is presented to ensure it accurately reflects the consensus of Committee members.

### **Permits**

There was consensus that:

- A tree removal permit fee of \$75 which is aligned with the administrative costs to review and process the permit.
- The permit fee will be in addition to any replacement/fee in lieu requirements.
- The permit fee may be waived for trees which are dead, dying, hazardous, or considered an invasive species.

### **Replacement Trees & Fees in Lieu of Replacement**

There was consensus that:

- The Village Forester will have the flexibility to reduce replacement requirements for trees which are in declining health but do not require immediate removal.
- The Village Foresters will develop a list of acceptable replacement trees. To maximize the likelihood that newly planted trees will survive, the property owner may select, with final approval of the Village Forester, which tree(s) from the acceptable planting list may be planted at the property.

- A property owner may request to make a payment in lieu of planting new trees, however, in line with the goals stated above, such a request will ultimately be determined by the Village Forester. If a property can accommodate a new tree, planting is the preferred outcome.
  - The property owner may appeal the Village Forester's decision (to require plantings rather than accept a fee in lieu) to the Village Manager.

### Desirable Trees

There was consensus that:

- Additional protections should be provided for trees determined to be desirable.
- General support that additional protections could include prohibiting the removal of desirable trees in the required yards of a property, subject to the variation process.

### Penalties

There was consensus that:

- Current penalties for the improper removal of parkway trees and violations of tree protection standards were considered sufficient.
- Escalating fines should be implemented for contractors who repeatedly violate provisions of the tree preservation/protection ordinance.
- The current fine of \$1,500 for the removal of private property trees without a permit should be increased.
- Implement fines for failing to plant replacement trees when required and late fees when a fee in lieu of plantings is not made on time.

### Discussion

This section will provide a detailed discussion of the outstanding policy considerations for permits, replacement requirements and desirable trees. To facilitate discussion, Village Staff, which includes the Village Manager, Deputy Director of Public Works and the Village Foresters are making recommendations concerning permits and desirable trees (referred to as Heritage Trees moving forward). No recommendation is made concerning a replacement tree/fee schedule due to its subjective nature.

### Permits

Staff recommends a permit for any tree removal 6" or greater in diameter breast height (DBH). The permit fee may be waived for trees which are dead, dying, diseased, hazardous, or invasive.

The 6" threshold is justified by the following:

- Many desirable hardwood tree species (shade trees and understory ornamentals) found in the urban forest are planted and not the result of natural reproduction.
- Therefore, whenever you come across a 6" DBH tree, it likely was planted by someone, cared for, and reflects a desirable hardwood tree species or ornamental understory tree.
- If the tree was planted, significant resources were likely invested throughout its journey from inception (2-3") to 6" DBH growth (approximate period of 8-10 years).

- Because these trees have been planted with a purpose, many desirable hardwood trees and understory trees can be found and are represented at the 6" DBH threshold.
- At 6" DBH, it could be argued trees have a place or impact on the landscape; and, if removed, the landscape may change (i.e., notice the tree loss), whereas with smaller sized trees the potential change is less noticeable.
- The U.S. Forest Service defines tree seedlings under 1" DBH and tree saplings 1- 5" DBH and similarly the Illinois Department of Transportation considers trees under 6" DBH as saplings.
- The Chicago Region Trees Initiative recommends a 6" standard and the CRTI gold standard is recommended for consideration in the Village's recently adopted Sustainability Plan.
- Lastly, preservation of future trees (sustainability) is an important objective and inclusion of 6" trees would be a contribution towards this effort particularly because not all trees are going to live to old growth and may not survive the short term. Therefore, if we are able to cast a wider net it will help contribute toward the goal of long-term sustainability.

Consistent with best management practices, and to improve the quality of tree permit data submitted for future data analysis as well as to best protect trees on construction sites<sup>1</sup>, the tree removal permit should be submitted by a Certified Arborist under the following circumstances:

- Demolition, new construction or large addition
  - To also include a tree survey and tree protection plan submitted by the Certified Arborist
- Removal of two or more trees which are 10" or greater DBH
- Removal of any Heritage Tree (defined below)

### Heritage Trees

The majority of tree preservation policies in nearby communities include additional protections for trees which are considered more desirable than others. Trees are typically considered desirable and warranting additional protections for the following reasons:

- Size with larger trees receiving greater protections; and/or
- Species of certain native trees and those which provide added ecological benefits (Oaks as an example)

The Village Forestry team, with support from the Village Manager, recommends that Heritage Trees be determined based on size of the tree rather than species. Staff is recommending a 20" threshold for trees receiving additional protections because trees of this size are on average approximately 40 years old and thus can be considered a generational asset that will remain with the property as ownership changes. In such circumstances, the property owner is a steward of this community asset and consistent with the LUC's goals, the Village seeks to minimize removals of these trees to the greatest extent practical.

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<sup>1</sup> A 2021 study in Highland Park conducted by Pike et al found that 74% of trees properly protected during construction survived



The rationale for designating Heritage Trees based on size rather species is as follows:

#### *Character of the Neighborhood*

- All trees provide value to the urban forest and people value trees for different reasons, part of which has to do with the make-up of neighborhoods and the landscapes that define them
  - Not all neighborhood streets are alike, some have oak trees while others may have an abundance of silver maples or cottonwoods
    - Consider the grove of cottonwoods at Community Playfields and the value those trees have to the neighborhood
  - Oak trees are predominantly found on the east side of the community and the goal of the preservation policy is to best protect all trees, and community character, throughout the Village

#### *Species Diversity & Long-Term Sustainability*

- It is important to protect all tree species and maintain diversity as this is one of the most important ways to ensure a healthy urban forest
  - Unforeseen diseases such as Dutch Elm Disease and Emerald Ash Borer have resulted in significant tree loss in the community and any tree genus could be the next to suffer the consequences of a devastating disease
  - The U.S Forest Service recommends no greater than 30% of one tree family, 20% of one tree genus and 10% of any single tree species be represented in a community's tree population and the Chicago Region Trees Initiative recommends a more stringent 15%/10%/5% split

Based upon feedback from some members of the LUC, there may be a desire to identify certain species as Heritage Trees. To facilitate the Committee's discussion on January 25, the Village Foresters recommend the following designations if the LUC elects to recommend providing additional protections for desirable species:

- Oak genus of 10" DBH or greater
- Hickory genus of 10" DBH or greater

These two genera were selected because:

- They are native to Wilmette
- There is a large population of Oaks in Wilmette of which many are large, multi-generational trees which provide significant ecological benefits
- Hickory trees have an incredibly slow growth rate, are difficult to find for new plantings and provide benefits to wildlife
  - Finding any hickory tree of stature in the Wilmette landscape would equate to a super generational tree

Based on the above recommendations, a total of 11 species would receive additional protections as there are nine oak species and two hickory species which fall within each genus.

While some other communities include American Elms in their definitions of Heritage Trees, the Village Foresters do not recommend this due to the prevalence of Dutch Elm Disease, which can be exacerbated by construction impacts.

### Additional Protections to Consider

#### *Prohibiting Removals in the Required Yards*

Given that one of the LUC's stated goals is to minimize the number of unnecessary tree removals, the LUC may wish to prohibit the removal of Heritage Trees in the required yards as dictated by the Zoning Code (front, side and rear). Property owners may submit a variation request for removal of such trees.

Staff recommends an administrative variation review process which would provide staff the ability to conduct an individualized assessment of the property in order to authorize removals in the required yards for certain construction hardships (examples: the proximity of the tree to the over dig for new foundations or if a tree is located in the middle of a 50 foot wide lot in the required front yard which does not have alley access).

The administrative variation process, which is already in place for additions, detached garages, encroachments, air conditioners, and generators within specific parameters, requires neighbor notification of conditional approval by staff. If a neighbor objects, the application is considered denied. If the applicant wishes to pursue the request, they may then apply to the Zoning Board of Appeals (ZBA).

The proposed administrative process will include review by two certified arborists: the applicant's arborist and the Village Forester as well as the Village's Plan Reviewer/Building Inspector. If after this review Village Staff authorizes the tree removal, the replacement requirements and permit fees would be applicable. If Village Staff does not authorize the removal, the property owner may seek approval from the Zoning Board of Appeals with final authority resting with the Village Board.

For reference, the administrative variation process takes on average 25 days from time of application to approval compared to 45 – 55 days, excluding any wait time for getting onto a ZBA agenda, for a standard variation.

#### *Neighbor Notification*

Similar to a grading permit, neighbor notification could be required anytime a permit is submitted for the removal of a Heritage Tree (anywhere on a property). This would provide an opportunity for neighbor engagement in an effort to preserve trees prior to removals taking place.

### Replacements

As noted above, staff is not making a recommendation on the tree replacement/fee structure. However, based on the recommended 6" permit threshold, staff recommends delaying any decisions regarding the replacements for smaller trees until such time that sufficient data has been collected to make an informed decision. Since the Village has not previously collected data on tree removals which are less than 10" DBH, staff is unable to estimate the number of such removals, species, condition or purpose of the removal

as well as the impact of new regulations on property owners. To obtain this data staff recommends adopting a resolution which would require the Land Use Committee to review the data associated with such removals following the first year of the new preservation policy. Data to be collected will include size, species, reason for removal, was this tree planted or protected as part of construction, and tree condition. In 2023, the LUC can review this data to determine whether stronger preservation requirements for trees 6 – 9” DBH are appropriate.

The following are examples of how a tree replacement/fee structure can be implemented:

#### Example 1- Trustee Kennedy’s Proposed Structure

Size of Tree Removed	Number of Replacement Trees (Not “Protected”)	Fee in Lieu of Plantings (Not ‘Protected’)	Number of Replacements for “Protected” Trees	Fee in Lieu of Plantings for “Protected” Trees
6 – 9”	1	\$500	n/a	n/a
9 – 12”	3	\$1,500	n/a	n/a
12 - 16”	5	\$2,500	6	\$3,000
16 - 20”	7	\$3,500	8	\$4,000
20”+	n/a	n/a	1” for 1”	\$250 per inch

#### Example 1a- Trustee Kennedy’s Proposed Structure (w/ amended fees based on discussions with LUC members and Heritage Trees as discussed on pages 4 – 5)

Size of Tree Removed	Number of Replacement Trees	Fee in Lieu of Plantings	Number of Replacements for Heritage Trees	Fee in Lieu of Plantings for Heritage Trees
6 – 9” <sup>i</sup>	See footnote	See footnote	n/a	n/a
10 – 12”	2	\$1,000	4	\$1,500
13 - 16”	3	\$1,500	6	\$2,500
17 - 20”	4	\$2,000	8	\$3,000
20”+	n/a	n/a	1” for 1”	\$175 per inch

#### Example 2- Inch for Inch Replacement Fees

Size of Tree Removed	Number of Replacement Trees	Fee in Lieu of Plantings*
6 – 9”	TBD	TBD
10 – 19”	3	\$100 per inch
20”+	4	\$150 per inch

### Example 3- Replacement Fees Determined by Cost of New Plantings

Size of Tree Removed	Number of Replacement Trees	Fee in Lieu of Plantings*
6 – 9"	TBD	TBD
10 – 12"	2	\$1,000
13 - 19"	3	\$1,500
20"+	4	\$2,000

For reference, the cost to remove a tree based on the above tables would be as follows:

Size of Tree Removed	Fee in Lieu of Replacement			
	Example #1	Example #1a	Example #2	Example #3
6 – 9"	\$500	TBD	TBD	TBD
10"	\$1,500	\$1,000/\$1,500	\$1,000	\$1,000
15"	\$2,500/\$3,000	\$1,500/\$2,500	\$1,500	\$1,500
19"	\$3,500/\$4,000	\$2,000/\$3,000	\$1,900	\$1,500
20"	\$5,000	\$3,500	\$3,000	\$2,000
25"	\$6,250	\$4,375	\$3,750	\$2,000
30"	\$7,500	\$5,250	\$4,500	\$2,000

### Other Miscellaneous Items

- Multi-stem trees – There are standard forestry best management practices to measure the diameter of multi-stem trees
  - Staff recommends differentiating between multi-stem shade trees which can live 60 or more years, growing more than 30 feet tall and small trees which grow quickly but generally do not grow taller than 30 feet or live longer than 20 – 30 years
  - Examples of such trees include Crabapple and Serviceberry which when their DBH is calculated could trigger significantly greater replacement requirements than would be justified based upon their lifespan and value to the neighborhood
    - For example, a Crabapple with 4 stems which are 5" in DBH would calculate to a 20" DBH; this would fall under the largest tree category in the tables above, but the value of a Crabapple is not comparable to that of a 20" shade tree
  - In such circumstances, staff recommends that the Village Forester have the flexibility to reduce the replacement requirements based on the type, size, location, and condition of the non-shade multi-stem tree
    - Note: An administrative tree preservation manual will be drafted by staff which will include additional details in these types of instances which will help to better define the process for staff and the applicant

- Penalties for removal of tree without a permit – At the December LUC meeting there was general consensus for more significant penalties when a tree is removed without a permit.
  - Staff recommends that the maximum fine of \$7,500 for the removal of a parkway tree be extended to the removal of private property trees, plus the replacement costs based on the above tables; staff believes this will serve as a sufficient deterrent to limit the number of private property trees removed without a permit
- Reporting – As discussed above, staff recommends a mandatory review of the tree preservation ordinance one after implementation. The review should include but is not limited to:
  - Size, species, condition of trees removed and whether replacement requirements were triggered
  - Detailed analysis of tree removal permits for trees 6 – 9” DBH
  - Number and circumstance of administrative variations approved
  - Permit review timelines

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<sup>i</sup> Data to be collected on trees 6 – 9” DBH and reviewed with the Land Use Committee in 2023



**Meeting Date:** January 25, 2022

**To:** Michael Braiman, Village Manager

**From:** John Adler, Director of Community Development  
Lisa Roberts, Assistant Director of Community Development

**Subject:** Tree Preservation- LUC Meeting #4 – Zoning Discussion

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### **Background**

The following memorandum was provided to the Land Use Committee for its December 15, 2021 meeting. On January 25, 2022, the LUC will meet as a Special Zoning Committee (SZC) to hold a public hearing regarding potential amendments to the Zoning Ordinance. The two primary amendments would be to consider an administrative (expedited) zoning relief process to preserve trees (in the instances discussed below) and to prohibit the removal of certain trees in the required yards subject to a variation process (see memorandum from the Village Manager in the January 25, 2022 LUC meeting packet). If the LUC/SZC is supportive of these amendments, staff will draft an ordinance for the Village Board's consideration.

### **Discussion**

As part of the Land Use Committee's review of the Village's tree preservation policies, staff was asked to consider whether expedited zoning relief may be a way to retain trees in certain circumstances. Experience suggests that the following zoning requirements may have inadvertently led to tree removals:

- 1) Required rear yard setback
- 2) Required interior side yard setback
- 3) Side yard adjoining a street setback requirement
- 4) Front Yard setback requirement
- 5) Requirement for two enclosed parking spaces

To help explain how the above regulations may impact tree preservation, it is helpful to understand certain Village single family zoning requirements. The impactful zoning requirements for single-family lots are:

- 1) Required rear yard setback: 20% of lot depth - minimum requirement varies by district.



- 2) Required interior side yard setback: 10% of lot width - minimum requirement varies by district. Required combined side yard setback: 25% of lot width - minimum requirement varies by district.
- 3) Required side yard adjoining a street setback: 30% of lot width (9' minimum and 25' maximum in the R1 districts, and 15' minimum and 30' maximum in the R districts).
- 4) Required front yard setback: 18', 25' or 40' or greater if established – minimum requirement varies by district.
- 5) Requirement that a single-family property have two enclosed parking spaces.

The above required yards create a buildable area in which a single-family house can be built (see site plan image on page 3). Accessory structures such as garages, sheds, swimming pools, and sport courts are all permitted in required rear yard. Structures in the required yards are further limited by the amount of impervious surface that can be built in them. These amounts range from 30% in the required front and side yard adjoining a street yards, to 60% in the required interior side and rear yards. The required rear yard has additional impervious surface and setback requirements based on the proposed structure(s).

#### Required Setback Impact – Rear and Interior Side Yards

Detached garages are permitted in the required rear yard but there are several limits on their size. They are permitted to be as close as 3' to the interior side and rear lot lines as long as the garage is located entirely in the required rear yard. Once the garage is no longer in the required rear yard, the interior side yard setback needs to meet the minimum required interior side yard setback outlined above. On occasion, trees located along the rear property line have made it difficult to locate a garage entirely in the required rear yard without removing the tree. Because moving the garage into the buildable area results in a greater interior side yard setback, possibly 3' versus 5' to 10', developers are reluctant to take up more of the usable rear yard with the garage structure.

#### Required Setback Impact – Side Yard Adjoining a Street

Because the side yard adjoining a street is typically three (3) times as large as an interior side yard, there have been occasions where allowing a structure to encroach into the required side yard adjoining a street may have saved a tree. One such occasion was a new house on the 700 block of Laurel where the 18' side yard adjoining a street setback caused the house as designed to maintain the minimum 6' interior side yard setback. It is possible if the house was moved into the required side yard adjoining a street, thereby increasing the proposed 6' interior side yard setback on the other side, a desirable tree may have been able to be saved. While the developer indicated a willingness to move the house, they were concerned about the timing and uncertainty of the variation process.

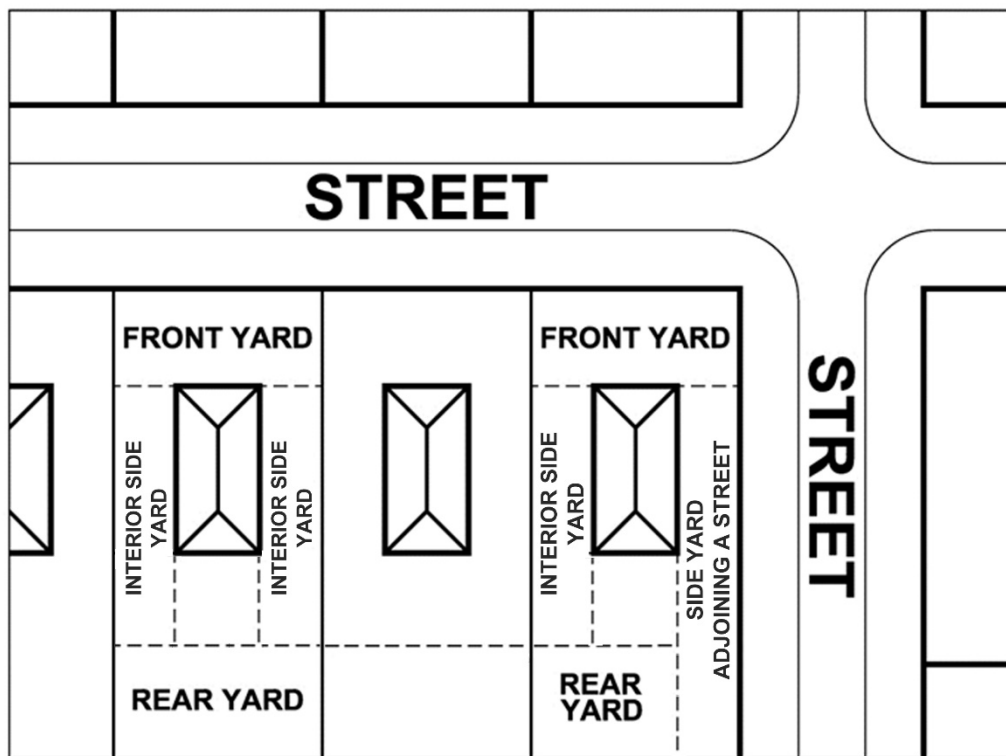
#### Required Setback Impact – Front Yard

A required front yard setback can impact tree preservation similar to a side yard adjoining a street setback. For example, if a desirable tree is located to the rear of the buildable area, adjacent to the required rear yard, allowing a new home to encroach into the required front yard may allow that tree to be preserved. Because front yard setbacks are a big part of the character of many Wilmette neighborhoods, the review of any encroachment into a front yard must take this into account.

#### Enclosed Parking Impact

The Village requires new or significantly expanded single-family homes to have two enclosed parking spaces. There has been at least one occasion where the requiring of the second enclosed space required the removal of a desirable tree. Allowing for only one enclosed space would potentially reduce coverage and save desirable trees. Staff can recall approximately six (6) occasions where zoning flexibility may have saved a desirable tree. That said, there are most likely many other instances that were never brought to staff's attention.

Diagram of Required Yards



*Drawing is not to scale*

**From:** [Steve Later](#)  
**To:** [Dodd, Kathy](#); [Kennedy, Gina](#); [Barrow, Peter](#)  
**Cc:** [Braiman, Michael](#)  
**Subject:** Tree Protection Ordinance  
**Date:** Tuesday, January 4, 2022 10:54:19 AM

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Dear Commissioners Dodd, Kennedy and Barrow:

I write to expand upon comments I made at the December 15 Land Use Committee meeting. You may recall that in the interest of time we were encouraged to keep our comments brief.

Over the past few LUC meetings I note that discussion included, appropriately so, consequences of the proposed ordinance should it be adopted, e.g. budget implications relative to hiring additional forestry staff and impact to the forestry team's workload in order to administer ordinance provisions.

During the discussion these impacts were sometimes framed as 'burdens'. Perhaps this is only a semantic nuance, but let's not have current organizational structure constrain the hope and scope of this ordinance. My perspective is that operational burdens already exist for forestry and that this ordinance can serve as a catalyst to prioritize and enhance forestry services more broadly.

Specifically, I refer to comments from the forestry team indicating that forestry is not a fully dedicated unit. Because forestry operates within public works, team members are sometimes assigned to non-forestry tasks such as snow removal. If the forestry team can be dedicated to forestry matters only then perhaps expanded tasks, as a result of the contemplated ordinance, may be less of a 'burden' than envisioned.

Another thought on funding for an expanded, dedicated forestry team is to explore the feasibility of reallocating budget items and reimagining practices that conflict with the best interests of our parkway trees. A specific example here is the ~\$145,000 allocated in 2022 for road salt. My observation is that significant waste occurs during application of road salt because equipment is not calibrated to ensure that salt is applied only to the road. When road salt is applied on Greenleaf it is common for salt to also cover the adjacent parkways. This cannot be considered a positive for the health of our trees.

I am enthused for an improved tree ordinance, am confident that opportunities exist to fully fund and operate a dedicated forestry team and am willing to help in any way that may be useful to the Land Use Committee and our community.

Thank you.

Sincerely,

Steve Later  
515 Greenleaf Avenue

**From:** [Joseph Hinkel](#)  
**To:** [Barrow, Peter](#); [Kennedy, Gina](#); [Dodd, Kathy](#)  
**Cc:** [Braiman, Michael](#)  
**Subject:** Tree ordinance  
**Date:** Thursday, January 13, 2022 10:57:25 AM

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Land Use Committee members,

My name is Joe Hinkel and I have lived at 919 Chestnut Ave in the village for 33 years. My home is on a 60' by 182' lot. It includes 8 mature Oaks and a Katsura tree all of which are 20" DBH. I also have 4 or 5 other trees that would potentially fall under a 6-10" replacement rule. I annually spend several thousand dollars maintaining my property from the impact of the trees (trimming, gutter cleaning, leaf pick up etc.) I love my trees but by most any standard my lot is over treed and has a nearly 100% canopy. As a property owner with a substantial tree canopy I encourage you to consider the following

1. In making modifications to the village tree ordinance, the ordinance should make allowance for heavily treed properties and allow the owners discretion. A regulation allowing tree removal if 60 or 75% tree canopy after removal would make sense.
2. While the goal of the proposed rules is to maintain and expand the village tree canopy, all of the burdens being proposed impact the property owners that currently contribute to the tree canopy. Is it fair to put a burden on a homeowner who has maintained a tree canopy while allowing a home that has previously removed or never contributed to our tree canopy to escape any obligation? I would suggest that if we want to maintain and increase our tree canopy all homeowners should participate especially when completing a development project.
3. The minimum size for enforcement should be carefully considered. I have several trees completely under a higher tree canopy. Such trees should be permitted to be removed regardless of whether they are a minimum size.
4. Minimum sizes for multiple trunk trees need to be carefully considered for trees. If the ordinance starts at 8 inches many new multiple trunk plantings would immediately fall under the ordinance and could provide a disincentive for planting.
5. Consider whether the impact of the new rules will really impact tree removal. With many homes selling for a million dollars or above as tear downs. Will charging a fee of several thousand dollars really have an impact?

Thank you, I greatly respect your efforts to continue to make Wilmette the great community it is.

Joe Hinkel

**From:** [saima abbasi](#)  
**To:** [Barrow, Peter](#)  
**Cc:** [Kennedy, Gina](#); [Dodd, Kathy](#); [Braiman, Michael](#); [Sorby, Kevin](#); [Wasley, Robert](#); [Piper Rothschild](#); [Anne Nagle](#); [Beth Drucker](#)  
**Subject:** Additional information to support the value of adopting a 6" DBH  
**Date:** Wednesday, January 12, 2022 2:12:17 PM  
**Attachments:** [6 DBH \(1\).docx](#)

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Hi Peter, Gina and Kathy,

Happy New Year!

Thank you for all your work and time that you and your committee is spending on improving Wilmette's tree ordinance! We also applaud all the work the Village staff is putting into this important matter.

Please see the attached document for additional information about adopting a 6" DBH threshold to protect and preserve Wilmette's tree canopy. Our research shows that the 6" DBH standard is not out of the norm in nearby towns. In the attached document you will find:

1. List of towns with 6" DBH and some towns with even a lower DBH
2. Opinions of five local experts on the value of 6"DBH
3. A link to a chart with the tree ages by species and DBH
4. The experience of Cambridge, MA. One of the policies they implemented was to redefine significant trees from 8" DBH to 6" DBH. By doing so, 49% more of the city's trees would be protected than before.
5. Chicago Region Trees Initiative's recommendations
6. A link to the tree benefit calculator to estimate the benefits of individual trees.

We hope that the attached information will be helpful for your committee in making your decisions.

Thank for serving our Village,  
Saima Abbasi (GGW) , Anne Nagel and Piper Rothschild

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Saima Abbasi  
Board member, Go Green Wilmette  
TreeKeeper, Openlands

Email: [saimaabbasi523@gmail.com](mailto:saimaabbasi523@gmail.com)  
Mobile: +1.847.274.7239

To: Peter Barrow, Kathy Dodd and Gina Kennedy

Date: January 12, 2022

From: Saima Abbasi (Go Green Wilmette), Anne Nagel, Piper Rothschild

1. Towns with 6" DBH

Nearby Illinois towns that use 6" DBH for tree removal include:

Bolingbrook  
Cook County  
Deer Park  
Indian Head Park  
Lake Villa  
Lincolnshire  
Northbrook  
Northfield (front and side yards)  
North Chicago  
Western Springs  
Zion

Some towns use an even narrower DBH

Inverness 4"  
Lake Bluff 2"  
Lockport 4"  
Mt. Prospect 4"  
Mundelein 2.5"  
Riverwoods 1.5"

The 6" standard is common elsewhere in the country:

Atlanta, GA  
Miami, FL  
Oakland, CA  
Seattle WA

2. We contacted several local tree experts to ask about the 6" DBH. Their opinions and qualifications are listed in this document.

3. We previously submitted the attached chart from the Morton Arboretum that shows the age of many trees relative to their DBH. [Here](#) is the link to the chart with the tree ages by species and DBH

4. The experience of Cambridge, MA is instructive. In 2019, the city enacted an Urban Forest Management Plan to address the decrease in tree canopy of 4% that occurred from 2009 to 2018. They



found that they could not increase the canopy only by adding trees on public property. One of the policies they implemented was to redefine significant trees from 8" DBH to 6" DBH. By doing so, 49% more of the city's trees would be protected than before.

See article [here](#) and more detailed information at page 25 [here](#).

5. Chicago Region Trees Initiative's recommendations: The Chicago Region Tree Initiative's Gold Standard Ordinance recommends 6"DBH. CRTI is based at the Morton Arboretum and is one of the premier scientific and research organizations focused on trees. CRTI's Gold Standard Ordinance template, which is the only one of their ordinance templates that addresses trees on private property, suggests the 6"DBH standard. Wilmette's recently adopted sustainability plan that Wilmette just adopted recommends that we enact CRTI's Gold Standard to best protect our tree canopy.

6. Community Benefits: The benefits of a 6" DBH are considerable and not to be easily dismissed. The annual benefits noted below are not just for the individual property owner but attach to the entire community. Here is the link:

[treebenefits.com/calculator](http://treebenefits.com/calculator)

<u>Species and DBH</u>	<u>Age</u>	<u>Stormwater Collected</u>	<u>Energy Saved</u>	<u>Carbon Sequestered</u>
6" White Oak	10- 12 years approx.	507 gallons	26 Kw	155 lbs
9" White Oak	20-24 years approx.	822 gallons	41 Kw	257 lbs

#### **List of responses by local tree experts on the value of having a 6" DBH**

##### **Christopher Evans**

Chris Evans is an Extension Forestry and Research Specialist at the University of Illinois, where he conducts trainings for natural resource professionals and landowners, develops educational programs, and conducts applied research. His areas of interest include forest health, invasive species, hardwood ecosystem management, and agroforestry.

##### **Response:**

*In terms of a biological justification for a 6" DBH protection clause in an ordinance, I would answer that many of the tree species and varieties that are used ornamentally will mature at a size around 6" DBH and may not ever reach the 10" DBH size, so a higher DBH cut-off size would result in many trees basically being unprotected throughout their existence. Examples of trees that would rarely exceed the*

*10" DBH size include dogwoods, viburnums, crabapples, serviceberry, sweetbay, fringe tree, hophornbeam, smoke tree, silverbell, and some of the smaller maple varieties.*

*Secondly, tree trunk size can vary greatly, even with quite large trees. A tree even with a DBH of just under 10" can already be quite tall (50'-60') and have a quite large canopy and could already provide significant benefit to the community through shade, wind protection, energy saving, wildlife habitat, privacy, storm water retention, beautification, etc. Adopting a lower DBH standard (such as 6") allows for mature trees that are already providing significant benefit to the community to be protected.*

### **Robyn Flakne**

Robyn Flakne serves as the Natural Resources Manager at the Public Works Department in Glenview. In 2020, she won an award by the Chicago Region Trees Initiative as the Forester of the year. She is an International Society of Arboriculture (ISA) certified arborist and a member of the visiting faculty at Northeastern Illinois where she teaches Forestry courses.

### **Response:**

*{T}he argument can be made that a tree of 6" has likely been established for 10-15 years, which seems like a good investment of time that should be respected (to where starting over with a smaller tree is a little discouraging), and the tree is really just getting to the point where its wider benefits start to take off. I've heard (though I don't have the references handy) that for nursery-grown trees and typical landscape-industry trees (meaning trees that don't just plant themselves naturally) it takes about 6 years for the tree's carbon-absorbing benefits to break even with the carbon expended in growing, transporting, and planting it. It's possible Wilmette would want to further refine these concepts, and protect the slower-growing species at a smaller DBH (for instance, protect oaks of 6" and up) and protect faster-growing species at a larger DBH (for instance, protect maples at 10" DBH).*

*It really is variable what different municipalities have chosen. I think Highland Park might go as low as 4"? That's just a rumor, I've never looked it up. Lake Forest is also said to be very strict – not sure if that includes extending protection to lower DBHs.*

*And with that I sometimes think about the difference in the appearance/feeling of the towns that protect their private trees vs. those that don't, but there are too many factors involved to say tree protection makes the difference. And then trying to show that size at which protection begins matters is even more difficult. (I know there's a documented correlation between affluence and trees – in urbanized areas - but that might be a chicken-and-egg situation!)*

*I don't know why Glenview went as high as it did, with 16" as the standard. It might be worth asking Kent. My guess would be that's the only place that the compromise could be struck – that it could be agreed that a 16-inch tree has influence on/benefits for the community beyond the property's borders.*

*From an enforcement standpoint I sometimes wish a permit was needed for every tree, so that when someone cuts down a 10-inch tree and their neighbor calls, I don't have to spend the time trying to determine how big the now-gone tree was! On the other hand, if we really required permits for every tree, that would be 100% (probably more!) of my time. Which is another thing Wilmette really does have to consider, too.*

*So it doesn't look like I'm going to be much help here! I see the staff at Wilmette feels they need a stronger argument than "It's what CRTI recommends and what some other towns do." The best argument I can think of is the argument of how long it takes to replace a tree. I think that estimating a 6-inch tree to be roughly 10-15 years old is likely the way to go. It's still a value judgement about what is worthy of protection and when, but to me, using a human timescale, most of us consider 10-15 years to be a long time, maybe long enough that waiting for a replacement tree to get to that size is a serious decision!*

### **Linnea O'Neill**

Linnea O'Neill has worked with trees, tree inventories, tree design and tree preservation for the past 40 years. She is a landscape architect with the Village of Northfield, a position she has held for the past 21 years. Before that, she was a landscape architect for the Village of Barrington and Arlington Heights. She has a degree in Landscape Architecture and Urban Planning.

### **Response:**

*I agree with the 6" dbh for healthy, structural sound trees to be preserved because they are already established. The soil, compaction, pollution, salt, drought/wet and clay soils in our urban/suburban yards and parkways make it hard for trees to survive. If you have a property with a quality 6" tree, it can survive and thrive better than a newly planted trees. And if the tree is in the building envelope it can be transplanted. I think your reasons listed are solid. Have you discussed with Kevin or Rob in Public Works? They would be able to tell you of any practical pros and cons of changing the size. Also, they have the experience with the community and the developers. 10" is a large tree and seems like an arbitrary number.*

### **Leslie Shad**

Leslie Shad is the founder of Natural Habitat Evanston. She is a TreeKeeper with Openlands and is working to protect and preserve Evanston's trees. In addition, she serves on the board of Citizens' Greener Evanston. She has a law degree from University of Chicago

### **Response:**

*The only other things I might mention*

- the average age of some species of 6" DBH trees to make the point how long it would take to replace a 6" DBH tree. Attached is a resource on some small DBH.*
- we need to preserve our existing pipeline of younger trees so that we have the big trees that provide maximum carbon and heat-moderation benefits. Big trees provide many more benefits than small trees - a multiplier effect, not linear. But can expect unavoidable die off of urban*

*trees of all ages due to street construction, salt, climate impacts. Big trees in fact may be most at risk because their roots extend so far into streets and yards that they are most at risk from construction. The point is to preserve the pipeline of trees.*

- <https://www.theguardian.com/environment/2014/jan/15/trees-grow-more-older-carbon>
- <https://environment-review.yale.edu/carbon-capture-tree-size-matters-0>

### **Lesley Bruce Smith**

She is an International Society of Arboriculture (ISA) certified arborist and the founder of ArborSmith. She has been in the field of tree care for the past 40 years. She regularly teaches classes about trees and tree care at the Chicago Botanic Garden and the Morton Arboretum. She was awarded the True Professionals of Arboriculture 2019 Award by the International Society of Arboriculture (ISA).  
<https://www.thearborsmiths.com/>

### **Response:**

*It seems so intuitive to me, a life-long arborist who has specialized in protecting and saving urban trees, that I find it hard to imagine it is a case for argument. But alas, this is the stuff of life. What one person has as part of their DNA is a total mystery to another.*

*This is really a question of 1) what type of tree, young and fast growing, vs. mature and slower growing produces the most oxygen and 2) sequesters the most carbon? These two factors, it might be argued, are the primary indices of benefit in the urban environment. Although those of us that know and love trees know that their health benefits, sociological benefits, water sequestering benefits and aesthetic benefits go way beyond that.*

*To answer the above two questions let me focus for a moment on the science around these questions. Photosynthesis, the chemical process that changes sun energy and carbon dioxide into oxygen and sugars occurs across the surface of tree's leaf, and the total oxygen production of a tree depends upon its total leaf area. This, of course, changes with the age and size of a tree. Old trees produce, by their sheer size, more oxygen than young trees. Another consideration in this is that when any tree of any size is destroyed the carbon it has sequestered over its lifetime, is returned to the atmosphere thus losing its pollution absorbing benefits. It should also be noted that the increasing occurrence of monster storms and heavy rains has made the water holding capacity of trees even more important. This advantage and benefit is also lost when trees of any size are destroyed. However, larger trees are always the champions of these beneficial tasks.*

*I cannot help but also point out that species, in my opinion, should be a factor here in determining value. A 6" DBH Burr Oak could be as old as 30+ years, or a 6" DBH Sugar Maple as old as 50+ years because of their adaptation to grow very slowly in adolescence as they wait for an opening in the forest canopy for light and life giving energy. Whereas, Ash and Hackberry or even Willows and Norway Maples, (even though the last two of which are considered weedy invasives) are much faster growing and therefore it might be argued could be replaced faster. But no matter a tree's capacity to regenerate they all*

*sequester carbon and create oxygen in the urban environment. It seems ludicrous to be arguing over a fairly well held gold standard of protection of 6" threshold. I might argue that a 3" Burr Oak or Sugar Maple should be protected as ardently as a 6" Hackberry. Every tree properly planted and tended has huge value to its immediate environment. I would stick to your guns on the 6" threshold. Even at that, many communities abuse their own ordinances, so giving residents an inch they will often take a yard or two or three, feeling that they would rather pay the fine than be bothered to save the trees. The key here is to create an ordinance that sends the message that trees have REAL value in the urban environment and NEED to be protected with an ordinance that is sensible and has teeth for enforcement.*

Estimated <sup>1</sup> Age of Urban Trees by Species and Diameter (DBH)										
Species	Tree diameter (DBH) in inches									
	5"	10"	15"	20"	25"	30"	35"	40"	45"	50"
Estimated tree age in years										
American elm (4)		27	38	48	58	67	77	86	95	104
Siberian elm (4)		24	32	39	46	53	59	65		
Hackberry (7)		14	29	50	77	109				
Honeylocust (4)		29	41	52	63	73	84	94		
Pear (3)	6	15	24	34						
Green ash (4)		27	45	63	83	104	126	148	171	194
White ash (3)	6	14	21	28	35					
Silver maple (7)		9	18	31	46	65	86	110	136	
Boxelder maple (4)		23	36	50	64	78				
Sugar maple (4)		33	51	70	88	107				
Red maple (6)	13	23	34							
Black maple (7)		20	39	64	94	127				
Norway maple (4)		28	40	52	63					
London plane (3)	7	16	25	33						
White oak (3)	11	24	36							
Swamp white oak (3)	9	20	31							
Red oak (4)		55	75	94	112	130	146	162		
Bur oak (4)				134	140	144	148	152		
Pin oak (4)		28	38	46						
Lindens (6)	12	21	31	41	53					
Basswood (7)		16	31	51	76	104				
Ginkgo (3)	12	24	35							
Black walnut (6)	14	26	41							
Kentucky coffeetree (3)	9	23	36							
Catalpa (3)	6	13	21	28	36					
Baldcypress (3)	7	18	29							
Poplar (10)	15	28	41	52	61	69	77	84		
White pine (6)	15	26	38							
Scotch pine (4)		52	68	82	95	107	119			
White spruce (6)	21	39	61							
Blue spruce (6)	17	30	45							

<sup>1</sup> Estimates are approximate given the significant variation in the growth rates of individual urban trees.

(#) = source of information for the species. See accompanying page of citations.





**Meeting Date:** January 25, 2022

**To:** Land Use Committee of the Village Board

**From:** Michael Braiman, Village Manager

**Subject:** Additional Agenda Material #1

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Below please find additional agenda material for the January 25, 2022 Land Use Committee (LUC) meeting on tree preservation.

PowerPoint Presentation

A presentation to help guide the LUC's discussions is attached.

Public Communications

Attached are communications received subsequent to publishing of the agenda materials.



# Tree Preservation

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JANUARY 25, 2022

LAND USE COMMITTEE

# Committee Review Process

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- October 21
  - Reviewed Wilmette specific tree data and policies
  - Reviewed policies in similar communities
  - Solicited public feedback (at all meetings)
- November 16
  - Determined preferred policy approach (inch-for-inch)
- December 15
  - Considered tree preservation policy details
- **January 25 at 1:00pm**
  - **Finalize policy details**
  - **Hold a public hearing regarding zoning amendments**

# Next Steps –Tentative

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Goal is to finalize policy before spring construction season (April)

- February 8
  - Present LUC report to the Village Board
- February 22
  - Introduce ordinances amending the Village Code
- March 8
  - Adopt ordinances amending the Village Code

# Goals of Tree Preservation Policy

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- Minimize the number of unnecessary removals
- Ensure sufficient replacement requirements when trees are removed in order to maintain/grow the community's tree canopy
  - Focus on reforestation not revenue generation
- General policy goals:
  - Simple and easy to understand
  - Enforceable
  - Reasonable

# Policy Topics

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**There are three primary outstanding items for the LUC's discussion:**

- Permits – What size tree triggers a permit and replacement requirements?
- Heritage Trees – Will there be additional protections for Heritage Trees and what is considered a Heritage Tree?
- Replacements – What are the appropriate tree planting/fees in lieu of replacements?



# Permits – Staff Recommendation

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- Permits for the removal of trees 6”+ DBH
  - Waive the fee for trees which are dead, dying, diseased, hazardous, or invasive
- Submission of a tree survey and tree protection plan submitted by a certified arborist for any of the following:
  - Demolition, new construction or large addition
  - Removal of two or more trees which are each 10” or greater DBH
  - Removal of any Heritage Tree (as defined by the ordinance)
- Penalty for removal of a tree without a permit of up to \$7,500
  - This is consistent with the penalty for removal of a parkway tree without a permit

# Heritage Trees – Definition

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- Staff recommendation: Any tree 20"+ DBH
  - Desire to protect all trees which provide value to a neighborhood
  - Promote species diversification
  - Maintain simplicity for implementation
- Alternative: If specific species designations are desired:
  - Oak genus of 10"+ DBH
  - Hickory genus of 10"+ DBH

# Heritage Trees – Protections

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- Prevent removals in the required yard subject to the variation process
  - Administrative variation recommended for construction hardships; standard variation for hardships not related to construction
  - Administrative variation approval requires notice to neighbors
    - If a neighbor objects, application is denied and applicant can appeal to the ZBA
- Neighbor notification
  - Provide notification for the removal of any Heritage Tree to adjacent property owners as part of the permit process

# Tree Replacements & Fees in Lieu

## Example #1a:

Size of Tree Removed	Number of Replacement Trees	Fee in Lieu of Plantings	Number of Replacements for Heritage Trees	Fee in Lieu of Plantings for Heritage Trees
6 – 9” <sup>i</sup>	See footnote	See footnote	n/a	n/a
10 – 12”	2	\$1,000	4	\$1,500
13 - 16”	3	\$1,500	6	\$2,500
17 - 20”	4	\$2,000	8	\$3,000
20”+	n/a	n/a	1” for 1”	\$175 per inch

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<sup>i</sup> Data to be collected on trees 6 – 9” DBH and reviewed with the Land Use Committee in 2023

## Other Decision Points

- Provide Village Forester flexibility to reduce replacement requirements for declining trees
- How to calculate smaller ornamental and multi-stem trees
- Selection process for replacement trees
- Who determines whether a fee in lieu of plantings is acceptable

# Tree Replacements & Fees in Lieu

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Example #1a: Examples of total replacement cost for inch-for-inch fee

Size of Tree Removed	Fee in Lieu of Replacement					
	<i>\$125/inch</i>	<i>\$150/inch</i>	<i>\$175/inch</i>	<i>\$200/inch</i>	<i>\$225/inch</i>	<i>\$250/inch</i>
20"	2,500	3,000	3,500	4,000	4,500	5,000
25"	3,125	3,750	4,375	5,000	5,625	6,250
30"	3,750	4,500	5,250	6,000	6,750	7,500
35"	4,375	5,250	6,125	7,000	7,875	8,750

# Other Considerations

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- Tree protection during construction
- How to encourage new tree plantings on private property
- Open the Public Hearing for zoning amendments:
  - Prohibiting Heritage Tree removals in the required yards
  - Expedited zoning relief process when a tree can be preserved:
    - Required rear yard setback
    - Required interior side yard setback
    - Side yard adjoining a street setback requirement
    - Front yard setback requirement
    - Requirement for two enclosed parking spaces



**From:** [Joseph Hinkel](#)  
**To:** [Kennedy, Gina](#); [Barrow, Peter](#); [Dodd, Kathy](#)  
**Cc:** [Braiman, Michael](#)  
**Subject:** Alternatives on Tree ordinance  
**Date:** Saturday, January 22, 2022 11:40:18 AM

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At the previous meeting considerable discussion of replacement trees took place. In reviewing the comments I think you may be moving to rules that are unnecessarily complicated and perhaps contrary to your long term goals.

In the packet materials, Trustee Dodd indicated that the typical lot in Wilmette could support 3 mature trees. It is also clear that the desire would be that replacement trees be of the type that would eventually become beautiful mature trees like the ones we are being replaced. If Trustee Dodd is correct, a typical lot ( say 50 x 160 or 8000 sq ft) would support about 80 BDH inches of tree, (for example 2 25 inch trees and 1 30 inch tree) or 1 inch of tree for every 100 square foot. Others might have different calculations but this works out to be convenient and a pretty good approximation. I suggest the goal of the ordinance should be to get properties to the 1" per 100 sq feet goal. If a property is not at that level of coverage the replacement guides would be in force. If after removal the property exceeds the 1" per 100 sq feet guide the ordinance could indicate that the replacement requirements are deemed met.

A regulation that recognizes this practical limit could be much simpler to apply and enforce. If a large tree is taken down the ordinance can charge a fee to discourage the tree from coming down and perhaps even require 1 tree from a desirable list perhaps even with a minimum diameter to be replanted. The expectation is that tree would grow to add to our tree canopy over time. Requiring multiple trees to be replanted simply encourages the homeowner to plant smaller decorative trees that will never grow to the size of the replaced tree. Focusing on remaining tree diameter on the property would also I believe be an objective way to keep the policy applied to 6 inch trees to become too intrusive. An appropriate test of any new ordinance would be to see how it would impact existing homeowners.

In my case, I have 8 mature 20+" plus trees on my 60 x180 lot (10,800 sq feet) In addition, I have 5 other trees that would fall under the 6" ordinance. These 5 trees are all growing under the mature tree canopy are decorative and will never grow to be as high as the mature trees. It seems reasonable for the village to have an interest in my mature trees and could ask for a fee to be paid if any mature is removed. But I think any involvement or negotiation about whether to remove and whether and how to replace the 6" trees seems excessive. The discussions could be solved by including in the ordinance that any home with in excess of 1"BDH per 100 square feet will be deemed to have made the full replacements called for in the ordinance except that if any tree over 20" is removed one tree from the selected list must be replanted.

Thanks for considering this

Joe Hinkel  
312 543-2812

**From:** [saima abbasi](#)  
**To:** [Barrow, Peter](#); [Kennedy, Gina](#); [Dodd, Kathy](#)  
**Cc:** [Anne Nagle](#); [Piper Rothschild](#); [Braiman, Michael](#); [Beth Drucker](#)  
**Subject:** Tree protection and preservation during construction  
**Date:** Friday, January 21, 2022 6:18:55 PM  
**Attachments:** [Tree Protection for Village Jan22 \(1\).docx](#)

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To: Trustee Barrow, Trustee Dodd and Trustee Kennedy,

Thank you for all the time and effort you and your committee is putting into improving Wilmette's tree ordinance. We are also extremely appreciative of the excellent work the Village staff is doing in informing your committee.

One of the ways the Village can improve and enhance Wilmette's tree canopy is by putting in place a very robust tree protection plan during all phases of construction.

Please see the attached document that we have prepared for your consideration.

Sincerely,  
Saima Abbasi (GGW), Piper Rothschild and Anne Nagle

--

Saima Abbasi  
Board member, Go Green Wilmette  
TreeKeeper, Openlands

Email: [saimaabbasi523@gmail.com](mailto:saimaabbasi523@gmail.com)  
Mobile: +1.847.274.7239

A 5 minute video of my Sustainable Yard Tour:  
<https://www.youtube.com/watch?v=pJ9ek1ALh1Q>

To: Trustee Barrow, Trustee Dodd and Trustee Kennedy

Date: January 21, 2022

From: Saima Abbasi (Go Green Wilmette), Anne Nagle, Piper Rothschild

As part of the Land Use Committee's work to create a strong Tree Ordinance for Wilmette, we encourage the village to create a robust tree protection process. The two pillars of a strong tree ordinance are preservation (designating what trees are protected and removal/replacement procedures) and protection (ensuring that protected trees are safeguarded during construction and other disruptions to property). If the goal of the tree ordinance is to save existing trees, it is not enough to identify them as "protected." We must take the steps necessary to protect them, especially during construction.

Trees are alive and like most living things they need access to water, air, sunlight, and nutrients to maintain good health. They are vulnerable to impacts from construction, such as soil compaction, limited access to light and water, and physical damage to roots, trunk, and limbs. As trees age, they are less able to recover from impacts associated with construction and more likely to prematurely deteriorate and ultimately die.

Soil compaction is a particular problem in the Midwest given the heavy clay soil and the inability of roots to penetrate deeply. As the attached document, entitled "Tree Preservation," explains, many roots of our trees are in the top 3' to 4' of soil with 90% of the feeder roots in just the top 6" of soil. As the author states, "Root protection is the key to tree preservation." The author continues to list the many harmful effects construction activities, including piling soil, building materials or debris near trees, driving heavy equipment over roots, trenching that severs roots, and poison from concrete cleaning, paints, or other solvents.

The Village currently uses the ANSI A300 standards that the Village foresters and deputy director of public works reference in their letter dated December 15, 2021. (pages 53-62. <https://bit.ly/3rEH6lk>) We believe that there are gaps in these standards and/or their enforcement that must be closed to adequately protect trees.

We have consistently recommended that the Village foresters be involved right from the start of the construction process. Once permits are issued and building allowed, it is too late. Most nearby towns require a tree survey and protection plan before construction. Both will make property owners and developers conscious of the impact their proposed project will have on trees and, hopefully, encourage diligence throughout the construction process.

We recommend the following:

**Planning Phase:**

- A tree survey be performed by a certified arborist to include tree species, size, and location of all trees on the property 6" DBH and greater. Wilmette's current code does not require a certified arborist and does not include evaluation of tree health or a risk assessment for trees on the property. The tree survey should include this information.

- The tree survey should also include the Tree Protection Zone (see discussion below) of neighboring protected trees whose roots extend into the property where construction will occur. Many Wilmette properties have trees along property lines. Construction on one property can impact trees and their roots on a neighboring property. These trees should be part of the survey and protected where necessary.
- Our current tree ordinance does not include all construction that potentially impacts the trees on a property. Tree surveys should be performed on all construction projects that require any kind of permitting, no matter the size of the project. This is necessary to prevent any deleterious effects of construction-related activities on trees.

We are familiar with several examples that make this clear. One is gut-remodels where the exterior structure of a home is preserved, but otherwise, there is a complete remodel of the home. Currently, no building permits are required for such remodeling, and therefore, no tree protection is required. We believe that the photos below demonstrate the need to change this.







Other examples include garages, fences, and other outdoor projects the construction of which can impact trees on a resident's property. This should include outdoor patios, fences, and outdoor entertainment rooms.

Below is a photo of a garage construction. There is metal fencing, but the port-a-potty was placed directly next to a large oak tree on its roots. We are not sure if care was taken to protect roots during the excavation of the former driveway.





We are also aware of a large brick patio and outdoor entertainment center recently built. No tree protection was required, and no trees were fenced, though extensive electric, gas, and trenching was done. Construction equipment was run repeatedly close to trees, and pallets of bricks were stored on critical tree roots zone. The concrete driveway was then expanded even closer to the tree trunk. A couple weeks after construction, a previously healthy, strong native white pine fell over in a storm and had to be removed.





We recognize that including these and other construction projects not currently in the ordinance adds to building costs and staff time to review surveys. We believe that homeowners and developers can and should bear the minimal cost of a tree survey and protective fencing to allow the community to continue to receive the benefits of existing mature trees.

We note that some nearby towns extend tree protection to many construction projects, including outdoor patios and decks. These kinds of construction projects are growing more popular, as are increasingly larger garages and other backyard improvements. Hiring additional forestry staff, as has been proposed, will help, as will allowing current trained forestry staff to spend their time exclusively on forestry matters. Requiring tree surveys to be drafted and approved by a certified arborist should make the process easier and less burdensome for the foresters. They will not have to start at ground zero. Outdoor living space is becoming more common and has huge implications for the many trees on private property, most of which are in backyards. We believe that protecting those trees

matters enough, and the benefit to the wider community is significant enough, that requiring tree surveys and protection is worthwhile and necessary.

### **Design Phase:1**

- Tree Protection Zones (TPZ) should be calculated for all trees on property 6" DBH or greater that a certified arborist has identified to be preserved and protected during construction. Currently, Wilmette calculates the TPZ (called Critical Root Zone in Wilmette's ordinance) as the circular area under a tree as determined by a one-foot radius for each one inch in DBH.
- Older mature trees and other trees that have been deemed Heritage are more sensitive to changes in their ecosystem during construction. These trees warrant an increase in their TPZ. Many experts calculate this number as 1.5 feet for each one inch in DBH. (See attached document).
- A site plan should include:
  - Tree inventory and tree protection plans
  - Avoid soil compaction with emphasis on protection of each tree's TPZ. Specific alternate areas should be identified on the site plan to mitigate this impact to the TPZ.
    - Construction access, including ingress and egress
    - No on-site parking for construction and personal vehicles, except for an existing driveway (recommend off-site)
    - Space and location for operation and storage of construction equipment
    - Identification of on-site storage for excavation spoils and debris piles
    - Grade changes
  - Soil protection and preservation plans for future tree plantings should be provided.
  - All other recommendations as noted in the ANSI A300 Standards.
- Currently in Wilmette, Site Plan Review, Site Development Plan and Grading and Drainage Plans are reviewed by Village staff and do not require review by the Village foresters. We believe it imperative that the Village forester be involved in every step of construction projects to ensure compliance with best practices for tree protection. In addition, we recommend that the tree protection requirements be part of an all-encompassing tree ordinance located in one section of the Municipal Code that includes intent, definitions, and tree removal and replacement requirements.

### **Pre-Construction Phase:**

- All tree protection recommendations noted in the Design Phase should be reviewed on-site with the Village forester. The Tree Protection Plan must remain onsite for the duration of the construction project.
- We recommend that physical tree protection be six-foot chain link fencing that is more apt to remain intact throughout construction, rather than the plastic snow fencing that is often used on construction sites in Wilmette. The barrier should be placed as determined in the design survey, identifying the TPZ. Variations to this barrier should require



forestry approval. Tree protection barriers should be inspected and approved by the village forester prior to demolition or construction, and catalogued with notification signage affixed. No construction activity should be allowed without inspection and approval.

The photo below shows a property in which construction began without adequate fencing. Dirt dug for a foundation was piled next to the tree, compacting the soil and limiting access to air and water. The dirt was removed a few weeks later, and proper metal fencing was erected. Damage may have already been done, though.

Also below is a photo that shows the problem with plastic fencing.







- Any trees that have been approved by the Village forester for removal may not be removed without a permit affixed to the tree.
- The property owner shall provide written notice of the intended construction work to any adjacent property owner whose property contains any trees within 15 feet of the property line. Proper tree protection measures for these trees should be the responsibility of the property owner who is applying for a building permit.

### **Construction Phase:**

- The property owner shall submit a Landscape Plan for all required Tree Replacements. The plan should be submitted prior to planting to ensure the plan meets replacement requirements.
- Physical tree protection must remain intact throughout construction.
- The Tree Protection Plan should include a monitoring and evaluation practice and timeline and identify those parties responsible for its oversight: i.e., homeowner, landowner, developer, builder, and/or contractor.
- The TPZ of all protected trees on property must remain intact throughout construction, to include no final grading, trenching for irrigation, outdoor lighting, plant installation, rototilling or turf planting while tree protection fencing is in place.

### **Post-Construction Phase**

- Tree protection fencing should require the Village forester's approval for removal.
- Tree health and structure shall be reevaluated by the forester to determine if mitigation treatments are recommended.
- The Village forester shall document compliance with post-construction landscaping/tree planting.
- The property owner will be provided with educational material to assure the best outcomes for protected trees, newly planted trees and shrubs, including:
  - Proper watering
  - Mulching
  - Planting understory shrubs and perennials in the TPZ rather than turf.
  - Limiting mowers and other lawn care equipment in the TPZ.
  - Monitoring for signs of stress or pest activity.

### **References:**

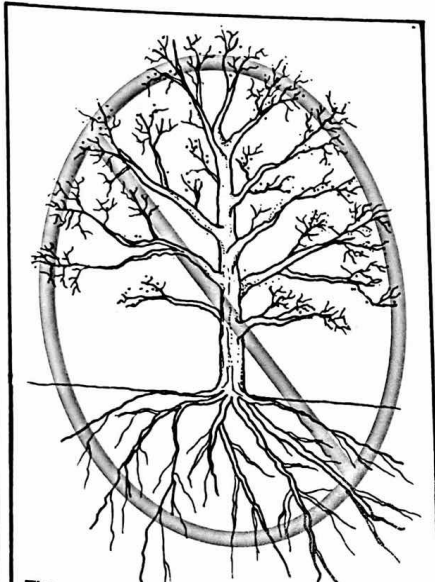
1. Construction and Trees: Guidelines for Protection. Lindsey Purcell. Purdue University Department of Forestry & Natural Resources.  
<https://www.extension.purdue.edu/extmedia/fnr/fnr-463-w.pdf>
2. Protecting Trees from Construction Damage: A Homeowner's Guide. Gary R Johnson. University of Minnesota Extension.  
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3. BMP's To Protect Trees at the Lot Level: New Construction, Remodeling and Redevelopment. Urban Forestry Best Management Practices, Chapter 4. Minnesota Department of Natural Resources.  
[https://files.dnr.state.mn.us/forestry/urban/bmps\\_chapter4.pdf](https://files.dnr.state.mn.us/forestry/urban/bmps_chapter4.pdf)
4. Urban Tree Risk Management: A Community Guide to Program Design and Implementation. USDA Forest Service.  
<https://www.fs.fed.us/nrs/pubs/na/NA-TP-03-03.pdf>
5. Village of Winnetka: Forestry Procedures

<https://www.villageofwinnetka.org/DocumentCenter/View/196/Forestry-Procedures-Informational-Packet-PDF>



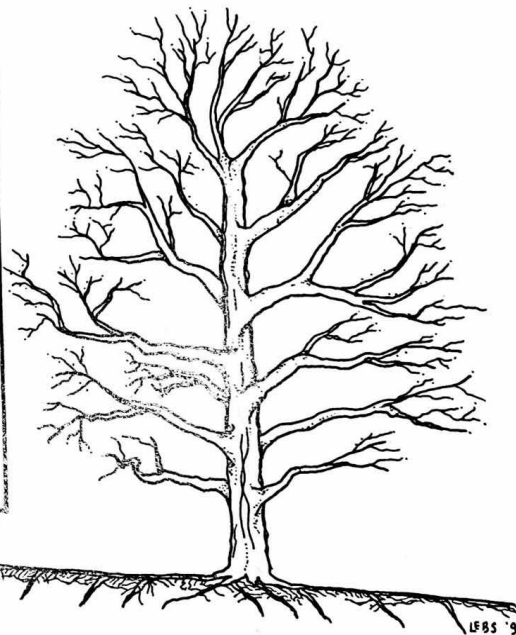
# Tree Preservation

**P**lanning an addition or construction project on a site with mature trees presents special problems. Pre-planning is a must if the trees are to be preserved in the long term. Once the construction has begun there is little that can be done to "save" the trees. When you call an architect or builder, *be sure to call your arborist too.*



*The most damaging misconception about trees is that their roots occupy a mirror image in the soil as their branches and leaves occupy above ground. This drawing represents this commonly imagined fallacy.*

The tree below is an **accurate**, to scale, representation of a 60+’ native tree. Notice its root system occupies only the top 3’-4’ of soil with 90% of its feeder roots in just the top 6” or so of soil.



The entire tree, roots and crown, must be considered when contemplating construction. Since we can see what’s growing above ground, we believe we are demonstrating concern for a tree’s health during construction by placing boards, a fence, or retaining wall around the trunk. These precautions cannot protect a tree’s delicate roots. **Root protection is the key to tree preservation.** Most of us have the mistaken idea that a tree’s roots occupy the same three dimensional space below ground as above it, but in reality the clay soils of the Midwest send roots in a horizontal direction.

Believe it or not, a 70’ native oak or sugar maple is supported to a depth of only 4’, with 90% of the trees’ feeder roots occupying only the top 6” of soil, which is the only place they can find life giving oxygen. Because a tree’s root system needs oxygen to survive, it is located near the soil surface and, therefore, is much more fragile than we normally imagine. As a result, a 100 year old specimen tree will be weakened and laid open to attack by life threatening organisms by something as simple as digging a 12” trench 5’ to 10’ from the trunk of the tree.

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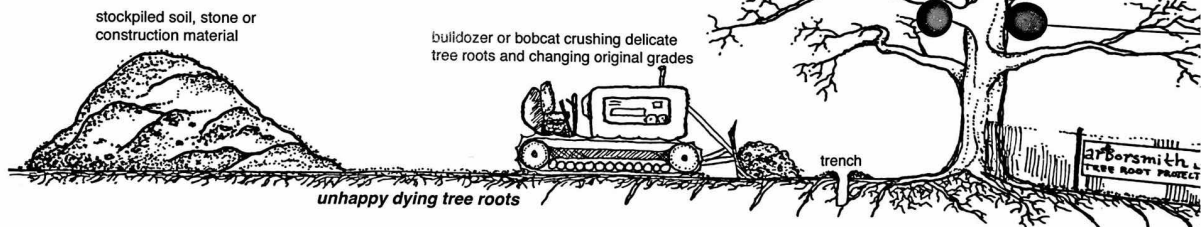
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arborsmith abstracts  
practical solutions to common tree problems

## How to kill your tree:

*A mature tree can be lost by:*

- Filling over its roots with as little as 2" of clay fill.
- Cutting away as little as 3" of the soil surface in it's root zone.
- Changing surrounding grades so the roots are in a low spot that catches water runoff, thereby drowning the tree.
- Cutting trenches near the trunk, as shown below, can cutoff as much as 40% of a tree's roots. This can also lower the water table and dries out the critical upper three inches of soil.
- Allowing heavy equipment to drive, or even park on the root zone of a tree. This causes a concrete-like soil, with no life giving air pockets. We must be careful not to treat our soils like dirt!



*There are other effects construction may have on tree roots.*

- When trees are taken out of a forest setting and isolated, the soil surface temperatures can increase by as much as 70°F. We often separate trees from each other by surrounding them with buildings, pavements, or sod. This practice cooks the beneficial soil organisms to death, and desiccates roots.
- When a prairie ecosystem (lawn) and a forest ecosystem (trees) are put together in a landscape, one of the two will suffer. In nature these two ecosystems are always battling for dominance, because tree roots and grass roots fight for the same soil space and oxygen. If the tree is already under stress from construction, the grass will probably out compete the tree, and finish it off.
- Remember that a lawn is easily established in one season, whereas trees take decades to reach maturity.
- Some by-products of construction actually poison the soil, such as: water run-off from concrete truck cleaning, limestone stockpiling or roadbeds, buried building debris, and even paints and solvents. All these examples kill tree roots and destroy their ability to take up water and nutrients.
- Reflected heat off glass, pavement, or walls may dry or burn trees and their roots.
- Even temporarily stockpiled soil will suffocate roots.
- Do NOT plant aggressive groundcovers under trees because they also kill tree roots. Examples include: hosta, pachysandra, vinca, english ivy, and euonymus.

## How

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- Mulch with fence area to surface temp
- Explore the tree's root zone little added co many times o
- Root pruning, helpful to avoid situation must does more har

*If these guideline extend the life on*

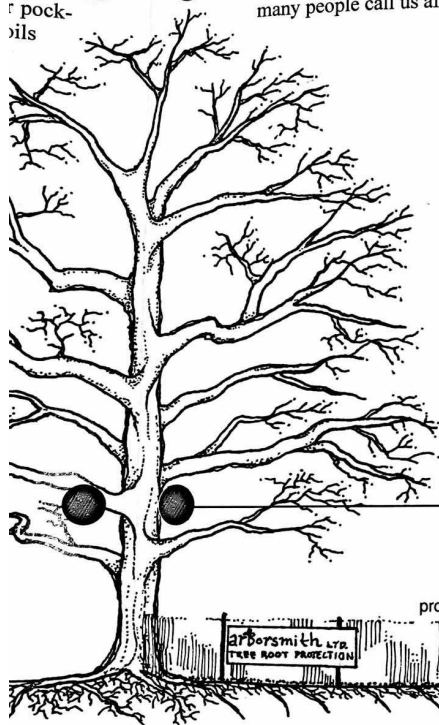
- If you dig a tree sible and mulch

## How to save your tree:

Here are some rules of thumb in tree preservation:

- Consult an arborist or urban forester **first**, for each tree and situation is different. Sadly, too many people call us after it's too late!
- It is best to keep trees in groups, to maintain a more forest like environment. Isolate and fence these areas off for **no disturbance of any kind**. Be very careful not to make these areas a "sinkhole" or "plateau" which could either drown or dry up the trees delicate root system.
- Do not disturb tree root zone areas. An easy minimum requirement is to fence at the edge of the branch spread (drip line) However, many roots extend up to **three times** the branch spread.

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Please note that tree roots can extend two to three times the branch spread of the tree!

protective fencing with mulch over root system

LEBS '99

happy surviving tree roots

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- Mulch with 4" to 6" of wood chips inside protective fence area to retain moisture and moderate the soil surface temperature.
- Explore the possibility of auger drilling under a tree's root zone instead of trenching through it. The little added cost of this procedure pays for itself many times over in the life of your trees.
- Root pruning, before digging can **sometimes** be helpful to avoid additional damage but each situation must be evaluated because sometimes it does more harm than good.

**If these guidelines are not met, then how can we extend the life on construction impacted trees?**

- If you dig a trench, put the soil back as soon as possible and mulch to the drip line with 4"-6" of

organic mulch, such as wood chips. This helps return the soil surface to a healthy growing medium.

- Watering during droughty periods, helpfully but infrequently. (Ask for our *Watering Abstract™*). Underground watering systems **almost never** help, and usually hurt, mature trees.
- Do NOT trim, except to remove deadwood, for at least one growing season after construction. This gives the trees' food producers (its leaves) a full season to maximize growth for new root development.
- Mulching and annual acidifying can help counteract pH changes related to construction.
- Consider planting some young trees to reestablish the natural cycle of regeneration.

## Conclusion

Trees die most often after construction because soil is spread over the roots (even as little as 2") and because construction equipment gets driven over the roots. Trimming and fertilizing is no way to try to save a tree that has been impacted by construction. As a matter of fact, studies have shown that fertilizing a stressed tree does more harm than good.

*Planning ahead* is the only way to preserve your mature trees. Yet, doing our part to save mature native trees is a worthy undertaking, and certainly worth the little extra effort involved. The cost involved is only a small percentage of the total expenditure on any building project. However, it will always pay for itself, because a mature oak, hickory, or sugar maple not only adds value to a landscape aesthetically, but just as important, reduces energy consumption during summer months by 10% by providing shade that would otherwise take decades to achieve. Even real estate appraisers recognize that mature trees contribute up to 15 % of your property value.

*Tree preservation* is everybody's business. Not just for economics, but because native trees are a part of our natural history and add so much to the quality of our life. Do your part by planning for your trees. We will all breathe a little easier!

*These recommendations can be confirmed by:*

*Chicago Botanic Garden  
Morton Arboretum  
International Society of Arboriculture  
Illinois Arborist Association*







Sometimes it is obvious that trenching, paving, grading, or soil compaction occurred. See Figures 3.83, 3.84, and 3.85. To determine how much damage the root system did sustain, estimate how much of the critical rooting area was damaged based on the pattern of damage. Critical rooting area is defined by the Critical Root Radius (CRR). See Box 12: Critical Root Radius. The CRR is a circular area around the stem of the tree, usually larger than the area defined by the tree's dripline. A tree is adequately anchored when the roots inside the area defined by the CRR are sound and alive. Up to 40 percent of the root system can be damaged before anchoring is seriously impaired, but some tree species are more susceptible to root loss than others. See Table 3.4: Tree characteristics. You may want to consider larger CRR's for sensitive trees.



**Figures 3.83-3.84.** To estimate how much root damage was sustained, determine how much of the Critical Root Radius was disturbed.

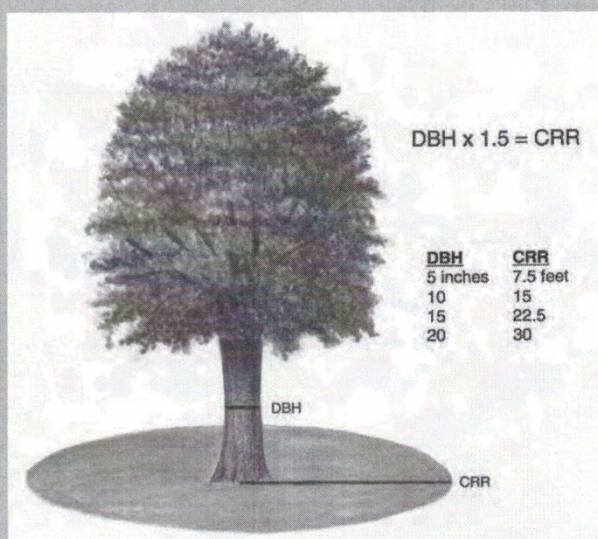


**Figure 3.85.** Recent construction on three sides of this tree reduces anchoring ability of roots.

#### BOX 12

### Critical root radius

The CRR is used to define the portion of the root system nearest the stem that is critical for the stability and vitality of the tree. It is a circular area defined as  $CRR = DBH \times 1.5$  foot per inch. This area is usually beyond the dripline of the tree. The CRR can be used for narrow-canopied trees as well as open-grown trees. (Miller et al 1995, Matheny and Clark 1991) See Figure 3.86.



**Figure 3.86.** Use the Critical Root Radius to estimate the extent of damage to a tree's root system. Up to 40 percent of the area can sustain damage before anchoring is seriously impaired.



Table 3.4. Tree characteristics.

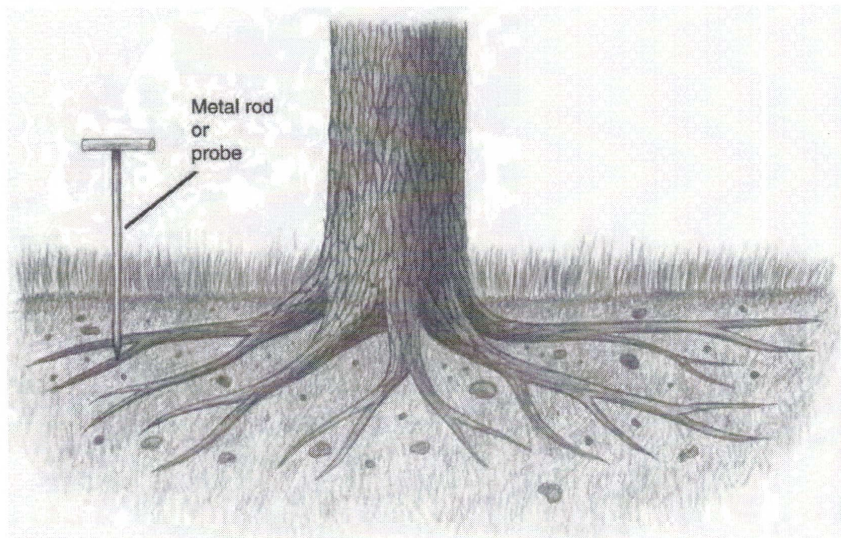
Species	Root severance	Soil compaction & flooding	Mature crown spread
Northern white cedar	Tolerant	Tolerant	10-20 feet
Balsam fir	Tolerant	Tolerant	20-35
White fir	Tolerant	Sensitive	10-20
Tamarack	Tolerant	Tolerant	15-25
White pine	Tolerant	Sensitive	50-80
Jack pine	Tolerant	Sensitive	20-30
Red pine	Tolerant	Sensitive	20-40
Scotch pine	(Tolerant)	(Sensitive)	30-50
Eastern redcedar	Tolerant	Sensitive	10-20
Black spruce	Tolerant	Tolerant	15-30
Colorado spruce	Intermediate	Tolerant	20-30
White spruce	Tolerant	Intermediate	20-30
Black ash	Tolerant	Tolerant	30-60
Green ash	Tolerant	Tolerant	30-50
White ash	Tolerant	Intermediate	50+
Bigtooth aspen	Tolerant	Sensitive	20-35
Quaking aspen	Tolerant	Sensitive	20-35
Blue beech	Sensitive	Sensitive	15-20
Paper birch	Intermediate	Sensitive	30-50
River birch	Tolerant	Tolerant	30-50
Yellow birch	Intermediate	Sensitive	25-50
Boxelder	Tolerant	Tolerant	35-50
Ohio buckeye	Intermediate	Intermediate	30-40
Butternut	Sensitive	Intermediate	50-60
Catalpa	Intermediate	Tolerant	30-50
Black cherry	Intermediate	Sensitive	40-50
Kentucky coffeetree	Intermediate	Intermediate	40-50
Eastern cottonwood	Tolerant	Tolerant	80-100
Red-osier dogwood	Tolerant	Intermediate	10-12
American elm	Tolerant	Intermediate	70-150
Slippery elm	(Tolerant)	(Intermediate)	40-60
Hackberry	Tolerant	Intermediate	50+
Hawthorn	Intermediate	Intermediate	20-30
Bitternut hickory	Intermediate	Intermediate	30+
Honeylocust	Tolerant	Intermediate	50-75
Ironwood	Sensitive	Sensitive	20-30
Basswood	(Intermediate)	Sensitive	50-75





Species	Root severance	Soil compaction & flooding	Mature crown spread
Black locust	Tolerant	Sensitive	20-50
Red maple	Tolerant	Tolerant	40-60
Silver maple	Tolerant	Tolerant	75-100
Sugar maple	(Intermediate)	Sensitive	60-80
Mountain ash	Tolerant	Intermediate	15-25
Black oak	Sensitive	Sensitive	50-70
Bur oak	(Tolerant)	Intermediate	40-80
Northern pin oak	Sensitive	Sensitive	30-50
Red oak	Tolerant	Sensitive	40-50
Bicolor oak	(Intermediate)	Tolerant	40-50
White oak	Sensitive	Sensitive	50-90
Wild plum	Tolerant	Sensitive	15-25
Serviceberry	Intermediate	Sensitive	6-15
Black walnut	Sensitive	Intermediate	60-100+
Black willow	Tolerant	Tolerant	20-40

In other cases, particularly for root decay, it is difficult to see the pattern of damage in the root system. Another means to assess the soundness of the main roots is to use a metal probe to locate and test them for the presence of advanced decay. See Figure 3.87. At least 60-70 percent of the buttress and main roots need to be sound in order to have the tree adequately anchored (Mattheck and Broeler, 1994).



**Figure 3.87.** Use a metal rod as a probe. To ensure that a tree is adequately anchored, 60-70 percent of its main roots must be sound.