



Tree Preservation

FEBRUARY 8, 2022

**PRESENTATION OF LAND USE COMMITTEE
RECOMMENDATIONS**

What was the Purpose of the LUC Review?

- Trees provide enormous value to the community through environmental benefits, quality of life & essential character
 - Energy Savings
 - Air Quality
 - Social, economic, and communal
 - Greenhouse Gas
 - Stormwater
- 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 was the Purpose of the LUC Review?

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

Committee Review Process

- 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
 - Finalized policy recommendations
 - Held a public hearing regarding zoning amendments

LUC's Goals of Tree Preservation Policy

- 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



Existing Regulations

Tree Removal Permits

- Fee of \$29 per removal for a tree which is 10” or greater in diameter at 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

- Implemented in 2007 to preserve the Village's existing 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

- 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

2019 Canopy Coverage Data

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 14 removed a tree but did not have to replant

Summary of Tree Loss

43 more trees removed
than planted

1,264" DBH more
removed than planted

Tree Canopy Ordinance Analysis

Question	Existing Policy
Are unnecessary removals minimized?	No
Are tree replacements sufficient?	No
Is the policy simple to understand?	No
Is the policy enforceable?	Limited
Is the policy considered reasonable?	Varies

The LUC determined the canopy coverage approach was not sufficient to protect the Village's tree canopy

Tree Protection

- 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

- Village Foresters work directly with contractors during the permitting process to:
 - Identify the trees to be protected
 - Verify construction access point
 - Installation of tree protection fencing
- Village staff does not conduct follow-up 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

Penalties

- Removal of a tree without a permit
 - Parkway tree: Up to \$7,500
 - Private tree: Up to \$1,500
- Violation of tree protection measures
 - Up to \$750 each day the violation persists



Policy Recommendations

Policy Recommendations

- Tree removal permits
- Tree protection
 - Prevent damage to existing trees during construction
- Tree preservation
 - Prevent or limit unnecessary tree removals
- Penalties
- Zoning incentives
- Miscellaneous

Tree Removal Permits

- A tree removal permit fee of \$75
 - Waived for trees which are dead, dying, hazardous, or considered an invasive species
 - Permits no longer approved over-the-counter
- Trees will be defined as having at least one trunk which is 6” DBH or greater
- The tree removal permit application will need to be submitted by a certified arborist for the removal of two or more trees which are 10” or greater DBH or the removal of any Heritage Tree

Tree Protection

- The Land Use Committee intends to continue its review of tree protection measures
- Recommendations made thus far:
 - Tree survey and protection plan must be submitted by a certified arborist for demolition, new construction, large additions
 - Proactive enforcement of tree protection measures during construction

Tree Preservation

- Inch-for-inch replacement policy for the removal of any healthy tree 6" DBH or greater
- This policy is common in nearby communities and meets the Chicago Region Tree Initiative's Gold Standard
 - *This standard is recommended for consideration in the Village's Sustainability Plan*

Tree Preservation

- Protected Trees

- Trees which have at least one trunk 6" DBH or greater

- Heritage Trees

- Oak genus 10" DBH or greater (9 species)
- Hickory genus 10" DBH or greater (2 species)
- Any tree 20" DBH or greater

Tree Preservation- Replacements

Protected Trees		
Size of Tree Removed	Tree Replacements	Fee in Lieu of Replacement
6 – 9”	TBD in 2023 following data collection	TBD in 2023 following data collection
10 – 12”	2	\$1,000
13 – 16”	3	\$1,500
17 – 19”	4	\$2,000

Example: Remove a healthy 15” tree

- Plant three new trees or pay a fee of \$1,500 in lieu of new plantings; or
- Plant one tree, reducing the fee in lieu of planting by \$500 for a total fee of \$1,000; or
- Plant two trees, reducing the fee by \$1,000 for a total fee of \$500

Tree Preservation- Replacements

Heritage Trees		
Size of Tree Removed	Tree Replacements	Fee in Lieu of Replacement
10 – 19" (Oak and Hickory)	Inch for Inch	\$175 per inch
20"+	Inch for Inch	\$175 per inch

Size of Tree Removed	Tree Replacements	Fee in Lieu of Replacement
10"	10" (4 trees)	\$1,750
15"	15" (6 trees)	\$2,625
20"	20" (8 trees)	\$3,500
25"	25" (10 trees)	\$4,375
30"	30" (12 trees)	\$5,250
35"	35" (14 trees)	\$6,125
40"	40" (16 trees)	\$7,000

Tree Preservation- Heritage Trees

- Removal of Heritage Trees is prohibited in the required yards
 - Subject to the administrative variation process
 - Requires neighbor notification
 - Across the street, next door, directly behind
 - If a neighbor objects to the variation, it is denied and the applicant can appeal to the ZBA
- Neighbor notification
 - Removal of any Heritage Tree anywhere on the property
 - When multiple trees are removed totaling 20" + DBH

Penalties

- Increase the fine for removal of a private property tree without a permit from up to \$1,500 to up to \$7,500
- Implement fines for failure to plant replacement trees
- Implement late fees for failure to pay the fee in lieu of planting on time

Zoning Incentives

- Feedback from developers indicated existing regulations may inadvertently lead to tree removals
- The LUC held a public hearing and is recommending administrative (expedited) variations for certain projects 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

Other Considerations

- Consolidate regulations into one section in Village Code
- New revenue to be used for best management practices
 - Example: Provide trees to residents at low or no cost
- Reporting to the LUC by October 2023
- Administrative tree manual
- Enhanced public education

Budget Impacts

- New Village Forester/Tree Preservation Officer position is recommended
 - Estimated cost of \$120,000; \$90,000 impact to 2022 Budget
- Based upon 2019 construction projects which triggered the Canopy Coverage Ordinance, the recommended fee schedule would have generated approximately \$170,000 in revenue to be dedicated to forestry best practices
 - Assumes all projects paid the fee in lieu of replacement

Next Steps – Tentative

Goal is to finalize policy before spring construction season (April)

- **February 8**
 - **Present LUC report to the Village Board & solicit feedback**
- February 22
 - Introduce ordinances amending the Village Code
- March 8
 - Adopt ordinances amending the Village Code