

Tree Conservation Commission

Business Meeting Minutes

City of Atlanta, City Hall
Arborist Division, Suite 3800
October 16, 2019, 5pm

Commissioners present: Susanne Blam, Jack Cebe, Marvin Lampkin, Lawrence Richardson, Chet Tisdale, Elizabeth Ward. (Katherine Moore joined for tree appeal hearing only).

Staff present: Kathy Evans, TCC staff

1. **Minutes.** Review September 18, 2019 business meeting minutes. Minutes approved by those present.
2. **Membership.** Stephanie Stuckey has resigned from the Commission as a result of new professional obligations.
3. **Arborist Division update.**
 - Thorwald Leen was recently hired as a field arborist. Most recently worked for a private arborist in Atlanta. Geographic area not yet assigned.
 - S.O.P. for identifying setback trees finalized; approved by all present (attached). *Caveat:* TCC recommends establishing a policy for the process required in situations where location of tree is close or unclear on plan (e.g. within inches or symbol is not clear). Generally, burden of proof should be on applicant to provide statement from surveyor.
4. **Projects.**
 - **Tree Canopy analysis for 2018.** Imagery collected in Sept/Oct 2018 analysis ongoing.
 - **Water bill** inserts about the requirement of tree permit in October water bills.
5. **Urban Ecology Framework**
 - No word yet about when tree ordinance team/consultants will meet with TCC for in-depth discussion of recommendations.
 - VOTE: TCC will form a “TCC Committee on Tree Ordinance” (approved by vote of all present). Committee to include: Blam, Ward, Richardson, Cebe, Lampkin, Tisdale, and prefer to include all TCC members to extent possible since length of time on Commission and experiences vary.
 - S. Blam will follow up on behalf of Commission to request invitation for TCC to be included in Technical Advisory Group and for TCC receive a copy of draft ordinance to review in advance.
 - Additional questions/issues to add to list of ordinance-related concerns submitted by TCC:
 - loss of trees in stream buffers resulting from variances allowing disturbance to encroach in buffer;
 - Concept Review Committee implementation (and timetable for expansion to sites with significant tree removal – in addition to subdivisions and rezoning, which are currently included in CRC); and
 - How are tree protections addressed on large sites and PD-MU sites?
 - Other ordinance topics: establish means of administrative review, or review by Tree Commission in advance of a hearing for simple issues such as instances when photos or other evidence provides enough information to make a decision though the arborist did not have that information at the time of his/her decision.
6. **Hearing Policies and Procedures.** Remember to specify any documentation requested for evaluating financial hardship.
7. **Appeals.** Time provided for Commissioners to review appeal materials individually.

8. **New Business.**

- **One hearing** this month: This evening, Wednesday, October 16, 6:30 pm.
- **Legal process.** Will invite Law Department to review ordinance and answer questions (at or before work session). Please submit questions/requests for clarification.
- **Annual Work Session** will be scheduled in late January or early February.
- **November Hearing.** Poll for availability. Have quorum for Nov 13 and 20. Hope to consolidate to just one hearing date -- November 13. Note that first hearing date is earlier in month for holiday schedule.

Standard of Practice

IDENTIFYING SETBACK TREES *10/16/19*

A setback tree shall be defined as a tree with *any portion* of its main trunk within the setback.

The setback is the area between the property line and the buildable area of the lot. Setbacks are defined per Code by a property's underlying zoning.

The location of a tree is determined at the point where the trunk meets the ground, excluding the tree's root flare.

Since tree symbols are typically not shown to scale on plans submitted to the City, the center of the tree symbol will be considered the center of the tree. A tree will be considered to be located in the setback if the trunk touches the setback line. For trees not represented to scale, if the distance to the setback line from the center of the tree symbol is equal to or greater than half the tree's dbh, the tree will be considered a setback tree.

Setback trees proposed to be removed for construction shall be denied by the City Arborist, [except trees located in the portion of the lot "that must be used for vehicular ingress and egress or for the installation of utilities that cannot be accomplished in a manner allowing for the preservation of the tree" (Section 158-102(3)c).]

Relevant ordinance sections:

- Section 158-104: *The city arborist shall require that improvements be located so as to result the protection of the trees on the site. It is the specific intent of this section to require that damage to trees located within the setback and required yard areas and to trees located on abutting properties owned by others be minimized to the greatest degree possible under the particular circumstances.*
- Section 158-26: *Required yard area means the open space on a lot not occupied by a structure.*