

## **New Atlanta Tree Protection Ordinance Citizens Blended Draft**

Atlanta is the City in a Forest. However, the city is losing trees at an alarming rate. Recent studies concluded that Atlanta is the fifth worst city in the US in terms of tree loss and the third worst city in the US in temperature rise. Tree loss in Atlanta increased significantly in 2020. 2,941 healthy trees were illegally cut during the third quarter of 2020.

The existing Atlanta Tree Protection Ordinance (TPO) is not protecting Atlanta's trees. In March of 2020, the City released a draft TPO prepared by a consultant. This March 2020 draft made it easier to cut down trees and pay a small fine.

Concerned citizens concluded that the consultant's March 2020 draft was unworkable and formed a "Citizens Group" to prepare a better TPO for Atlanta. This "Citizens Group" represents all geographic areas of Atlanta. Its members include tree protection advocates, developers, members of the Atlanta Tree Conservation Commission, Directors of Watershed Protection Associations, an arborist, a naturalist, attorneys and interested citizens.

The Citizens Group presented its tree protection ordinance to the City Council on June 25. The City Council liked it and directed the City Planning Department to negotiate a new TPO with the Citizens Group. The group's negotiations with the Planning Department resulted in several of the Citizens Group concepts being included in the Planning Department's January 19 draft tree protection ordinance. However, the Planning Department's draft still contains provisions that will enable developers to cut down too many healthy trees and further damage Atlanta's tree canopy.

The Citizens Group has prepared a "blended draft" which corrects the problems with the Planning Department's draft while retaining its practicable parts. This newest Citizens Draft work is referred to as the "Citizens Blended Draft". The major problems with the Planning Department's draft and the changes made to correct these in the Citizens Blended Draft are as follows:

**1. Tree Preservation Standard.** The Planning Department draft allows a developer/owner to remove *up to 50%* of the high value trees, referred to as "Priority Trees", even if the house can be built without removing any Priority Trees. The city defines 50% by the number of trees, not the actual canopy (DBH). THIS IS A MAJOR FLAW IN THE DOCUMENT.

The Citizens Draft allows a developer/owner to remove Priority Trees only if necessary to build what the developer/owner wants.

**2. Right to Appeal.** The Planning Department draft takes away the public's right to appeal if the developer/owner meets the tree preservation standard that allows removal of up to 50% of Priority Trees on the lot.

The Citizens Draft preserves the public's right of appeal for citizens living within the area of the NPU or an adjacent NPU.

**3. Pre-Application Conference.** The Planning Department draft mentions the use of a pre-application conference but fails to provide clear standards.

The Citizens Draft gives a developer/owner the right to resolve all tree removal issues before having to spend money on development. Both developers and citizens interested in tree preservation like the Citizens Groups pre-application option.

**4. Priority Tree Classification.** The Planning Department draft omits many high value trees (such as most dogwoods) from its list of Priority Trees.

The Citizens Draft list of Priority Trees is based on current science. The list includes all of the high value trees as Priority Trees.

**5. Enforcement.** The Planning Department draft does not strengthen the existing enforcement provisions and does not address illegal tree removals except to receive a written warning. Atlanta is losing too many trees because the penalties associated with illegal tree removal are too small.

Removing a tree without a permit on site is a serious violation in the Citizens Draft and the police would be authorized to arrest the responsible parties. The Citizens Draft strengthens the City arborists' enforcement authority. For example, offenders who repeatedly cut down trees illegally would be banned from doing business in the City for up to 3-5 years.

**6. Protection of setback trees and trees in floodplains and stream buffers.** The Planning Department draft eliminates protections for setback trees and allows destruction of 10% of healthy trees in floodplains and stream buffers.

The Citizens Draft restores current protections for setback trees and closes the loophole for destroying healthy trees in floodplains and stream buffers.

**7. Boundary Trees.** The Planning Department draft allows a developer/owner to bypass the ordinance and cut down a boundary tree on an adjacent property.

The Citizens Draft eliminates this loophole and protects boundary trees.

**8. Dead, Dying, and Hazardous Trees.** The definition of dead, dying and hazardous trees (DDH) in the current ordinance is flawed. This problem enables developers/owners to classify healthy trees as DDH and remove the trees without paying any recompense or fines. The Planning Department draft fails to correct this problem.

The Citizens Draft corrects the definition of dead, dying, and hazardous trees. This will prevent healthy trees from being removed as DDH trees.

**9. Tree Trust Fund.** The Planning Department draft gives the Planning Department total authority over how the money in the Tree Trust Fund is spent.

The Citizens Draft requires the Planning Department to obtain approval of a budget for expenditure of Tree Trust Funds by the City Council and the Tree Conservation Commission, includes assistance for low-income homeowners for assessment, removal and replacement of DDH trees on their property

**10. Urban Forest Master Plan.** The Planning Department draft provides that Tree Trust Funds may be utilized for an Urban Forest Master Plan, but does not require the development of such a plan.

The Citizens Draft requires the preparation and implementation of an Urban Forest Master Plan.

**11. Tree Preservation Requirements for Multi Family and Commercial Properties and Subdivisions.** The Planning Department draft has no tree preservation requirements for commercial and multi-family properties and subdivisions.

The Citizens Draft has tree preservation requirements or tree save areas for all private and public properties.

**12. Overall Goal of the Tree Protection Ordinance.** The Planning Department draft states that the ordinance's goal is to "reduce canopy loss over time". This erroneous goal will result in further damage to Atlanta's trees and tree canopy.

The goal of the Citizens draft ordinance is to preserve and enhance Atlanta's tree canopy.

## What can YOU do to help stop the loss of Atlanta's trees?

- (1) Write or call your City Council representative and express your support for the Citizens Draft. See [citycouncil.atlantaga.gov](http://citycouncil.atlantaga.gov) for a list of Council members and their contact information.
- (2) Call in on February 16 and leave a voice mail in support of the Citizens Draft (see below for information on the number and time to call)

A City Council work session on the Tree Protection Ordinance is being held Wednesday, Feb. 17 at 10:00am.

On Tuesday, Feb. 16 from 4:00-7:00pm concerned citizens may call in and leave a message which does not exceed 3 minutes.

Call: 404-330-6042

How to listen to the Council work session on February 17<sup>th</sup> at 10am:

- City Conference Bridge 877-579-6743 Conference ID8315991256, or
- Online Access: Channel 26, or
- the Council's homepage at <https://citycouncil.atlantaga.gov>, or
- the Council's YouTube channel, or
- the Council's Facebook and Twitter pages via @atlcouncil

For further information on the Citizens Draft please contact: Kathryn Kolb 404-862-0118 [kathrynkolb@bellsouth.net](mailto:kathrynkolb@bellsouth.net). Howard Katzman at [hjkatzman@outlook.com](mailto:hjkatzman@outlook.com). Chet Tisdale 404-683-0890 [ctisdalejr@gmail.com](mailto:ctisdalejr@gmail.com).