

## EXECUTIVE SUMMARY



**To:** Patti McLauchlin, City Manager  
**Through:** Katie P. Halloran, Planning Director  
**From:** Karen DeMaria, Urban Forestry Manager  
**Meeting Date:** **October 19, 2021**

**Agenda Item:** **Text Amendment to the Land Development Regulations-** An ordinance to the City Commission to amend Chapter 110 of the Code of Ordinances, entitled "Resource Protection" by amending Section 110-323 entitled "Application" to provide for an application fee for applications to the Tree Commission and Urban Forestry Manager; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

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### Action Statement:

The purpose of this ordinance is to amend the City's Land Development Regulations-Section 110-323, to add a Tree Commission and Urban Forestry Manager Fee Schedule.

### Background:

Currently, there is no language in the Land Development Regulations regarding fees for the processing and reviews of applications by the Tree Commission or Urban Forestry Manager, therefore, a text amendment to the Land Development Regulations (LDRs) is needed.

Pursuant to Section 90-487 (b), establishment of fees, charges, and expenses imposed by the Land Development Regulations (LDRs) will be established by Resolution. The fees presented in the attached proposed Fee Schedule (Exhibit A) will establish a reasonable fee schedule to compensate for the necessary time taken by staff to review a Tree Commission application, a development project and facilitation of project review throughout the process, and building permit application reviews. The Department's goal is to ensure that costs associated with implementing the LDRs are borne by those parties deriving the benefit of such services.

### Proposed Text Amendment

The proposed text amendment to the LDRs is as follows, the additions are underlined and the removals are crossed through:

#### **Sec. 110-323. – Application; Fees.**

All applications for a tree removal permit shall be made to the Urban Forestry Manager. The application shall include an inventory of all existing trees in the area of proposed construction impact, including ingress to and egress from this area. The inventory shall state size, diameter, and species of each tree. In order for the application to be acted upon, it must be signed by the property owner, or a notarized letter from the property owner must be attached to the

application designating an authorized agent. The applicant shall be responsible for clearly marking the subject trees on the site with flagging tape.

A fee schedule for all applications to the Tree Commission and /or Urban Forestry Manager shall be established by the City Commission and may be changed by Resolution of the City Commission.

### Land Development Regulations Text Amendment Process

Tree Commission	September 7, 2021
Planning Board	September 16, 2021
City Commission (first reading)	TBA
City Commission (second reading)	TBA
Local Appeal Period	30 days
Render to DEO	10 working days
DEO Notice of Intent (NOI)	
Effective when NOI posted to DEO website	

### Analysis:

The proposed fee schedule will generate necessary funds to cover the staff time required to review each application and project to assure completeness, quality, and compliance with the LDRs and to facilitate projects through the development review process. Staff has determined the time required to process these applications and projects is substantial and this determination has led to the recommendation of a Fee Schedule for the associated applications and reviews (see Exhibit A).

A full planning staff analysis is available in the planning board staff report.

### Options/Advantages/Disadvantages:

**Option 1:** Approve the proposed ordinance establishing a Tree Commission and Urban Forestry Manager application fee.

- 1. Consistency with the City’s Strategic Plan, Vision, and Mission:** This action would provide enhanced services consistent with mission and vision of the City.
- 2. Financial Impact:** There will be a direct positive impact to the City by providing better recovery of the costs of providing personnel for Tree Commission and Urban Forestry functions to serve citizens.

**Option 2:** Do not approve the addition of fees and fee clarification.

- 1. Consistency with the City’s Strategic Plan, Vision, and Mission:** This action would not be consistent with providing cost effective services for the citizens wherein the applicant for a discretionary service pays for that privilege.
- 2. Financial Impact:** There would continue to be a negative impact on the fiscal health of the City in that fees are not collected for professional services provided.

## **Recommendation**

As per Resolution No. 2021-45, the Planning Board recommended to the City Commission Option 1 for approval of the text amendment to the Land Development Regulations. Staff supports Planning Board Resolution No. 2021-45, and also recommends approval of Option 1.