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To: Mayor Sierra and City Council members  
From: Sustainability Commission  
Date: September 12, 2023  
RE: Proposed Suggestions Regarding Potential Tree Protection Ordinance

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## **Overview**

During a May City Council meeting, Englewood City Council requested the Sustainability Commission (Commission) to assess what a potential tree protection ordinance could look like in the City of Englewood (City). Over the past six months, the Commission has discussed with one another, city staff, and residents around what elements should be included if the City decides to adopt a tree protection ordinance. Below is the culmination of those discussions, which includes why Englewood needs a tree protection ordinance; recommended guidelines; and the consideration of a tree protection plan.

## **Why Englewood Needs a Tree Protection Ordinance**

Urban trees are an asset that contributes greatly to the Englewood community. The City should be forward-thinking, with the goal to maintain, protect, and ideally expand tree cover within our City as growth and development evolve. Achieving this goal will maximize environmental, social, and economic benefits such as reducing air pollution, saving energy by shading and cooling, providing wildlife habitat, and enhancing the community's beauty and quality of life.

## **Recommended Guidelines**

The following recommended guidelines for a tree protection ordinance are listed in no particular order of importance.

### **1) Establish a fee for removing a tree**

Trees that are removed by developers and construction projects must be replaced with an equivalent value of new trees or a fine will be issued. Large trees provide more environmental and human benefit (carbon dioxide sequestration, air purification, shade, etc.) than their smaller counterparts, which is why the replacement requirement should be assessed using the basal area calculated from trunk diameter at 4.5'. The fee will be calculated using the basal area of the removed tree and the same considerations as a replacement should be implemented when assessing the amount of the fee, which will be determined using standardized calculations by the City's Forester (Forester) or similar agent. The fee will recover the loss of the tree and the value it created for the City. The revenue from said fee will be placed into a Tree Fund, explained in guideline II.

Before any removal, the Forester must be consulted on the proposed removal. The Forester will conduct a tree assessment based on species, size, condition, location, and health. Upon evaluation, the Forester will determine whether the tree or trees are an asset to the City and should be preserved. This recommendation will be given to the developer for consideration and

implementation. Should the developer reject these recommendations and decide to remove the tree or trees, the developer will be charged a fee per tree or must plant the recommended amount of replacement trees on the property.

### II) Create a fund for tree planting and/or replacement

Fees accrued from the removal of trees will be placed into the Tree Fund. The purpose of the Tree Fund will be to provide citizens with funds to add new, manage existing, or remove hazardous trees from their property, and fund community projects to increase tree canopy coverage in the most needed parts of the City. Hazardous trees removed with Tree Fund funding must be replaced with new trees to receive financial assistance.

Also made available by these funds will be educational materials and programming to educate citizens on the proper care of trees in the community. The allocation of funds will be at the discretion of the City Council or an assigned agent of the City Council, although fund support should favor those areas identified as “low tree canopy” within Englewood.

### III) Establish education efforts to protect current trees

All trees on existing residential private property will be protected through the **voluntary** actions of their owners. This will largely be guided by educational efforts to protect current trees. This includes, but is not limited to, educational presentations and materials provided by the City as well as recommended guidelines regarding planting, nourishment, trimming, and overall health of trees.

### IV) Establish Tree Protection Best Management Practices (BMPs)

Creation of Best Management Practices (BMPs) for property/tree owners and developers will guide the future of tree preservation in the City. These guidelines will outline: why protect trees, how to protect trees, defining the Critical Root Zone (CRZ) and Tree Protection Zone (TPZ), monitoring, and follow-ups. These BMPs will be created by the City Forester.

### **Additional Item to Consider**

Creation of a City Tree Protection Plan - The establishment of this plan will be used before demolition or construction work on any property and provide evaluation criteria for the City Forester or similar agent to assess tree replacement needs and/or fee amounts. This plan will also provide standards and guidelines for the protection of trees on City property.

### **Conclusion**

Thank you for your consideration of the Commission’s suggested guidelines around the City’s potential tree protection ordinance. The Commission recommends City Council establish a tree

protection ordinance going forward that includes the aforementioned guidelines and items above.