

Tree preservation ordinances

As a consulting arborist, I have worked with more than ten local governments on tree issues, and served on four ordinance committees, one of which I chaired. I do recommend that localities have tree preservation ordinances. Well thought out ordinances result in preservation, help protect the rights of long time residents, and result in better tree cover. If you are considering an ordinance, my advice includes the following:

1. Do not have a tree preservation ordinance you cannot or will not enforce.
 - 1.1. Failure to enforce creates a false sense of comfort among homebuyers who are led to believe they are being protected; when they find out that the protection was not real, they get very cynical.
 - 1.2. Failure to enforce breeds contempt in those who try to follow the rules but see others getting away with violations.
 - 1.3. Failure to enforce emboldens those who will violate to try other scams.
2. Do use both carrots and sticks.
 - 2.1. Developers are very good at economics, and they do respond to incentives that save them money or give them credit for a job well done.
 - 2.2. The sticks have to be onerous enough to get the attention of violators.
3. Do involve those affected by the ordinance in the process of writing it.
 - 3.1. Experience across the country is that where a group of planners, who often do not have business-side experience in development, write tree preservation ordinances without input from the engineering community,



experienced arborists, and reputable developers, the ordinances do cause headaches and frustration for everybody.

3.2. On the other hand, if an ordinance is developed with input from those affected, they tend to get behind it and promote enforcement.

3.2.1. The professionals who work daily under these ordinances have valuable insight into how wording can have dramatic or unintended effects... the devil is in the details.

3.2.2. Reputable members of the development community do not mind ordinances.

3.2.2.1. They do want the rules to stay the same, so that they can plan.

3.2.2.2. They do want the rules to be applied fairly and evenly.

4. Avoid putting biological information about trees and landscaping in an ordinance, where making changes becomes difficult.

4.1. Put the basic requirements in the ordinance, with references to a separate document that contains the information on plants and planting procedures, which may need to be changed to reflect biological/arboricultural updates.

5. Do recognize that trees off site and on property lines are going to be adversely affected, and determine in advance how to deal with these issues.

5.1. While it is well established that a land owner has a right to do what is reasonable with his land, it also should be recognized that a developer, who may not be a resident, will profit handsomely from his project, and the existing residents may suffer real losses as a result of the project.

5.1.1. This makes good planning, and enforcement, all the more important.

6. Do control what gets planted to replace lost trees, and how it gets planted.

- 6.1. Tree species are rated as to desirability; you do want to have the better species in your community, and you do not want the dogs!
- 6.2. An improperly selected/planted tree will come back to haunt everybody.
 - 6.2.1. Have standards for planting.
 - 6.2.2. Give trees enough room to grow... overhead, underground, and to the sides... stay away from wires, walls, and walks.