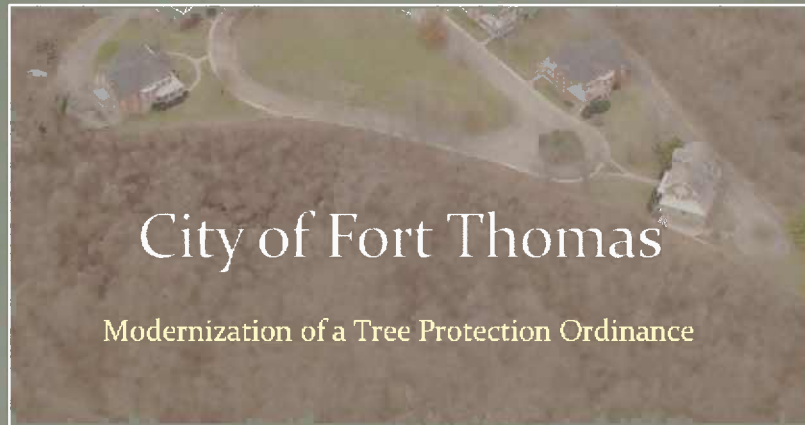




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Mary H. Brown, Mayor



Barb Manyet, Chair
Ft. Thomas Tree Commission

Devin Schenk
NKU Center for Applied Ecology

City of Fort Thomas

- ~16,300 population
- Steep, forested hillsides along the Ohio River
- Late 1980's citizens became concerned that they were losing substantial amount of trees due to development
- Organized to pass a tree protection ordinance in 1990



Ft. Thomas Tree Commission

- Barb Manyet : Chair of Commission
 - Became involved through the Ft. Thomas Garden Club
- Tree Commission Membership
 - 7 community members who are appointed by the City
 - 2 City staff members

Fort Thomas' Commitment to Trees

- Has been granted a "Tree City USA" designation for 20 years in a row
- Enacted a Tree Ordinance in 1990
- Fort Thomas Comprehensive Plan -
 - *Trees are an important asset to the City's quality of life, supporting stormwater runoff and energy use reduction, air and water pollution filtering, noise and light screening, biological diversity, slope stabilization, and aesthetic beauty.*
- Fort Thomas Tree Ordinance
 - *... the Board of Council has determined that the preservation and replacement of the tree stock is an integral part of the health, safety and quality of life in the City of Fort Thomas.*

1990 Ordinance

- Protected Trees on Public Property
- Established Requirements for new development in the City
- Established the role of the Planning Commission
- Established and defined the role of the Fort Thomas Tree Commission
- Identified penalties for non-compliance

Why did Ft. Thomas think it needed an update?

Ordinance was Becoming Outdated

- Ft. Thomas Tree Ordinance was 20 years old.
- New building technologies allowing development on forested hillsides.
- Recent problems with ambiguities in ordinance that caused friction with developers
- Ft. Thomas Tree Commission was concerned that the Tree Ordinance wasn't being carried out as it was intended.
- Much has changed since 1990 regarding how cities protect their trees.

- Grant from Kentucky Division of Forestry's Urban and Community Forestry Program
- Joint Partnership with
 - NKU Center for Applied Ecology
 - NKU Local Government Law Center



Objectives of Process

Striving for results that are technically sound and achievable, respectful of the community's natural heritage and landowner rights.

Timeline -(Feb 1999 – May 2010)

- Multiple site visits
- Public meeting
- Assessment of 1990 Ordinance & Identify challenges
- Research model ordinances nationwide
- Joint meetings with Planning Commission
- Draft Recommendations
- Feedback from Tree Commission and Planning Commission
- Decision to move forward
- Ordinance drafted
- Presentations to Planning Commission and City Council
- New ordinance enacted – May 2010

Identified Challenges

- Trees in jeopardy
- Communication between Planning Commission, Tree Commission, and City Staff
- Timeliness of Review
- Confusing language
- Tree Inventory / Technical Requirements for Subdivisions and Developments
- Enforcement

New Development



Use of Tree Protection Ordinances

- There are many tools a community can use to protect its trees
 - Public education programs;
 - Assistance and incentive programs,
 - Voluntary planting programs;
 - Ordinances
- Ordinances cannot be everything to everyone
 - To think otherwise can cause an overreliance on regulation and consequently an abandonment of the other, equally valuable tools.
 - Also trying to make the ordinance all encompassing can then open up legal issues such **Constitutional Takings**.
- Every community is unique and an ordinance has to be developed that reflects these characteristics

Model Ordinances

- Presentation of possible solutions to Tree Commission and Planning Commission
 - Variety of Tree Protection Standards
 - Per Development Unit Standard (*Ft. Thomas 1990*)
 - Basal Area Standard
 - Basal Area Replacement Standard (*Ft. Thomas 2010*)
 - Tree Canopy Replacement Standard
 - Forest Preservation Standard

Summary of 2010 Ft. Thomas Ordinance

- Streamlines new development application process
 - Clearly defines requirements and ties them to tree survey
- Eliminates confusing duplication in City code
- Strengthens role of Tree Commission
- Promotes Preservation
- Creates strong enforcement

New Requirements

- **Tree inventory of property**
- **Calculate the aggregate diameter inches of native trees on the property**
Aggregate Diameter Inches = total DBH of native trees over 6" diameter on the property
- **Preserve 40% of the aggregate diameter inches on the property (60% of the aggregate diameter inches can be removed with no penalty)**
- **If preserving 40% is impractical, the excess inches removed may be replaced at a higher ratio**
 - **Planting**
 - **Permanent Preservation**
 - **Payment into Public Fund**

Incentives to preserve trees

- Provides a positive 1.5 ratio for permanently protected trees on site
- Allows mitigation with off site protection of forests
- Disincentive for mitigating with planting (negative 1.5 ratio)

Example table:

Identification Number	Species	Common Name	DBH	Native	Saved
1	<i>Quercus bicolor</i>	swamp white oak	45	Yes	Yes
2	<i>Acer rubrum</i>	red maple	15	Yes	No
3	<i>Fagus grandifolia</i>	American beech	8	Yes	No
4	<i>Ailanthus altissima</i>	tree of heaven	28	No	No

Native aggregate diameter total: 68

Native aggregate diameter to be

lost: 23

34%

Native aggregate diameter to be

saved: 45

66%

Example table:

Identification Number	Species	Common Name	DBH	Native	Saved
1	<i>Quercus bicolor</i>	swamp white oak	45	Yes	No
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3	<i>Fagus grandifolia</i>	American beech	8	Yes	No
4	<i>Ailanthus altissima</i>	tree of heaven	28	No	No
Native aggregate diameter total:			68		
Native aggregate diameter to be lost:			53		78%
Native aggregate diameter to be saved:			15		22%

Required to save 27.2 DBH (=68 DBH X 40%)

Miss the mark by 12.2 inches

3 Options

1. Plant 18.3 caliper inches of trees (=12.2 DBH X 1.5)
2. Permanently preserve 8.13 DBH on site (=12.2/1.5)
3. Pay the City \$3660 (=12.2 X \$300)

How does the revised Ordinance provide for enforcement?

In order to ensure that the trees survive, Applicants must provide a 2-year surety for the trees they either propose to save and / or plan to plant

- City Staff and Tree Commission inspect in 2 years
- City compensated if trees die or are not planted

Future?

Encourage and support other communities in their endeavors to update or create tree ordinances that are technically sound and achievable, respectful of the community's natural heritage and landowner rights.

Questions?

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