

**VILLAGE OF LOMBARD**  
**REQUEST FOR BOARD OF TRUSTEES ACTION**  
For Inclusion on Board Agenda

\_\_\_\_\_ Resolution or Ordinance (Blue)      X   Waiver of First Requested  
  X   Recommendations of Boards, Commissions & Committees (Green)  
\_\_\_\_\_ Other Business (Pink)

**TO:** PRESIDENT AND BOARD OF TRUSTEES

**FROM:** Scott R. Niehaus, Village Manager

**DATE:** October 30, 2019                      (COW) (B of T)                      **Date:** November 21, 2019

**TITLE:** AN ORDINANCE AMENDING TITLE 9, CHAPTER 99 OF THE LOMBARD VILLAGE CODE IN REGARD TO TREE PLANTING AND REMOVAL IN RIGHT-OF-WAYS UNDER THE JURISDICTION OF THE VILLAGE

**SUBMITTED BY:** Carl Goldsmith, Director of Public Works *g*

**BACKGROUND/POLICY IMPLICATIONS:**

A recommendation from the Public Works & Environmental Concerns Committee to amend the Village Code to modify the provisions for the planting and removal of trees located within the public right-of-way.

**FISCAL IMPACT/FUNDING SOURCE:**

None required.

Review (as necessary):  
Village Attorney   X   \_\_\_\_\_ Date \_\_\_\_\_  
Finance Director   X   \_\_\_\_\_ Date \_\_\_\_\_  
Village Manager   X   \_\_\_\_\_ Date \_\_\_\_\_

**NOTE:** All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



October 30, 2019

**TO:** Village President and Board of Trustees

**THROUGH:** Scott Niehaus, Village Manager

**FROM:** Carl S. Goldsmith, Director of Public Works *g*

**SUBJECT:** Parkway Tree Planting & Removal Program

**Background:**

The Village of Lombard current practice is to replace removed parkway trees when there is room per Village spacing requirements to do so at the same address, within twelve to eighteen months. This wait time is increasing as tree mortality continues to surpass the Village's replanting efforts. The Village also plants trees in the parkway adjacent to new construction when there is sufficient spacing at the developer's cost. Finally, residents can request a tree if there is room to plant per Village spacing requirements even when a tree has not been recently removed at their address by the Village.

Trees planted as part of new construction are funded by fees collected with the building permit. The remaining trees are planted using resources from the general and hotel/motel funds, currently budgeted at \$75,000 each fiscal year. At the Village's current average installed price of \$350 this equates to 215 trees per year. In light of projected future budget shortfalls, Public Works is weighing options for modification and clarification of the planting program and funding the tree planting program.

Village staff has two recommendations for modifications of the Village ordinance in regards to the tree planting program as established in Chapter 99, Article III. The first recommendation would be to revise the ordinance to reflect current and proposed future practices. The second recommendation would be instituting a fee collected when a Village owned tree is removed for private development to fund additional tree planting to offset environmental and ecological services lost due to the removal.

**Tree Planting Program:**

Staff recommends establishing a three-tier program for the planting of parkway trees. The first tier would be for trees removed by the Village or its contractor, where there is determined to be sufficient room for replacement trees. These trees would continue to be planted by the Village with no fees charge to the adjacent property owner. It is estimated that this would continue to encompass the majority of the trees planted each year. These trees would continue to be planted in the order that the original trees were removed subject to availability or trees and funding.

The second tier would be new trees planted at the request of adjacent property owners when sufficient spacing is determined to exist. These trees would be planted where no tree has been previously removed but the adjacent property owner desires the installation of a parkway tree. The Village would establish a \$150 fee for the installation of these trees. Once the fee has been received the trees would be placed on list for the next available planting season.

The third tier would be trees which are required due to development. These trees would continue to be planted by the Village in the next available planting season after construction and landscaping activities are completed on the adjacent parcel. Community Development would continue to collect \$350 for each required tree based upon parcel frontage. Any trees removed for the purpose of the development would continue to be entirely at the developers' cost once approved by the Village.

### **Tree Removal Program:**

The second recommendation is to add language to the ordinance whereby the Village would collect a fee to when developers remove a parkway tree to recoup environmental and ecological benefits lost with the tree. Currently, the Village collects \$350 per parkway tree required based upon the parcel frontage regardless of the size or number of trees removed from the parkway. Many Chicagoland communities collect fees from the developer based on the size or appraised value of the parkway trees removed in addition to the fee for required parkway plantings to offset the loss of ecological and environmental services provided by those trees. These services include oxygen production, rainfall interception and cleaning the air by removing particulate matter.

There are two main methods which are used to evaluate the tree removal fee. Both methods use the diameter of the tree at breast height (DBH - defined as four- and one-half feet above the ground) which is a standard of measurement when working with trees. From that measurement a determination of cost can be derived.

The replacement tree method calculates the number of two-inch trees which would be required to equal the size of the existing tree's DBH. The fee is then equal to the communities' average cost for a planted tree multiplied by the number of trees required. Under this scenario, if a developer removes a 16" tree, the formula for the required fee would be:  $16 \div 2 = 8$ ;  $8 \times \$350 = \$2,800$  fee which would be deposited into the Village's tree planting fund.

The flat fee method charges a set dollar amount per diameter inch measurement at breast height. Collected fees in the area start at around \$150 per inch DBH. If the Village were to opt for this method, a per inch DBH fee of \$175 would be equivalent to that collected in the first method. The enclosed spreadsheet provided a comparison of these two methods and the potential fees which would have been collected from trees which have been removed for development in the last few years.

The Public Works and Environmental Concerns Committee reviewed this matter at their October 8, 2019 meeting and recommended that the Village Board adopt changes to the planting program

through the development of the three (3) tiered program outlined above. The Committee supported the replacement tree method for establishing the removal fee for a parkway tree.

**Recommendation:**

The Public Works and Environmental Concerns Committee and Village staff recommend that the Village president and Board of Trustees adopt AN ORDINANCE AMENDING TITLE 9, CHAPTER 99 OF THE LOMBARD VILLAGE CODE IN REGARD TO TREE PLANTING AND REMOVAL IN RIGHT-OF-WAYS UNDER THE JURISDICTION OF THE VILLAGE.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 99  
OF THE LOMBARD VILLAGE CODE  
IN REGARD TO TREE PLANTING AND REMOVAL  
IN RIGHT-OF-WAYS UNDER THE JURISDICTION OF THE VILLAGE**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

**SECTION 1:** That, effective January 1, 2020, Title IX, Chapter 99, Sections 99.20 through 99.23 of the Lombard Village Code are amended to read in their entirety as follows:

**“§ 99.20 – Tree Planting and Removal Program Created.**

The Board of Trustees hereby creates an annual tree planting and removal program for new trees and tree replacements in right-of-ways under the jurisdiction of the Village.

**§ 99.21 - Purchase of Trees by the Village.**

The Village shall, on an annual or bi-annual basis, contract to purchase trees to be placed in the parkway portion of right-of-ways under the jurisdiction of the Village. The Village shall determine the location and placement of the trees.

**§ 99.22 - Tree Planting.**

Tree planting in right-of-ways under the jurisdiction of the Village shall take place in accordance with the following terms and conditions:

(A) Tree replacements based upon Village removal –

- (1) If a tree within the right-of-ways under the jurisdiction of the Village is removed by the Village, the Village shall plant a tree, subject to sufficient space therefor, per Section 99.04 of this Code, at no cost to the adjacent property owner.
- (2) The adjacent property owner will be afforded the opportunity to provide input on the species of tree to be planted, in accordance with Section 99.06 of this Code; however, the Village shall make the final determination of the species, based on the trees available to the Village.

(B) Trees requested by the adjacent property owner –

- (1) If an adjacent property owner requests that the Village plant a tree within the right-of-ways under the jurisdiction of the Village, and no tree was previously removed by the Village from the location in question, subject to sufficient space therefor, per Section 99.04 of this Code, the Village will, subject to the availability of a tree, plant a tree at the location in question; provided the adjacent property owner pays a planting fee of \$150.00 per tree, which fee shall be paid to the Village, by the adjacent property owner, prior to the planting of the tree.
- (2) The adjacent property owner will be afforded the opportunity to provide input on the species of tree to be planted, in accordance with Section 99.06 of this Code;

however, the Village shall make the final determination of the species, based on the trees available to the Village.

- (3) Trees planted at the request of the adjacent property owner, within the right-of-ways under the jurisdiction of the Village, shall remain the property of the Village.
- (C) If trees are planted by the Village within the right-of-ways under the jurisdiction of the Village, as part of an approved development of the adjacent property, which requires the planting of parkway trees by the developer of said adjacent property pursuant to Chapters 150 and/or 154 of this Code, the adjacent property owner and/or developer of the approved development shall be charged a flat fee of \$350.00 for each tree planted by the Village.

**§ 99.23 - Tree Removal.**

**(A) Village Removed Trees –**

- (1) Trees located within the right-of-ways under the jurisdiction of the Village shall be removed when removal is considered necessary by the Village's Forestry Supervisor for reasons of tree health and/or public safety. Prior to such removal, notice will be mailed to the resident of the abutting property, stating the reason for the removal. In the event of an emergency, Village staff has the authority to remove any tree located in the right-of-ways under the jurisdiction of the Village without providing the aforementioned notice, when removal is considered necessary for public safety. In regard to any such tree removal:
  - (a) All stumps will be ground to a depth of at least twelve (12) inches below existing grade. Stump grindings will be removed, replaced with topsoil and restored with seed.
  - (b) Any tree located in the right-of-ways under the jurisdiction of the Village, that is removed, will be replaced during the next available planting season, provided there is sufficient spacing, per Section 99.04 of this Code, for the planting of a tree, and sufficient funding for planting a replacement tree. The Village may consider planting more than one replacement tree, provided there is sufficient spacing, per Section 99.04 of this Code, to do so.
  - (c) There shall be no fee charged to the adjacent property owner for a tree removed by the Village from the right-of-ways under the jurisdiction of the Village.

**(B) Developer/Adjacent Property Owner Removed Trees –**

The fee for the removal of a tree from the right-of-ways under the jurisdiction of the Village, at the request of either the adjacent property owner or the developer of the adjacent property, where the Village Forestry Supervisor has determined that the tree does not otherwise need to be removed, and the Village consents to the removal, shall be based upon the following formula:

$$[ \text{DBH} \div 2 ] \times \$350 = \text{Tree Removal Fee}$$

with DBH being the diameter at breast height (DBH) of the tree to be removed, which is the diameter of the tree at four-and-a-half (4.5) feet above the ground. Said fee shall be paid to the Village prior to the removal of the tree.

**SECTION 2:** That, effective January 1, 2020, Title IX, Chapter 99, Section 99.40 of the Lombard Village Code is hereby repealed.

**SECTION 3:** That this Ordinance shall be in full force and effect on from and after its adoption, approval and publication in pamphlet form as provided by law.

Passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

First reading waived by action of the Board of Trustees this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2019, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Keith Giagnorio  
Village President

**ATTEST:**

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk

Published by me in pamphlet form this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Sharon Kuderna  
Village Clerk

Village of Lombard  
Public Works & Environmental Concerns Committee

# Tree Replacement Program



October 8, 2019

Legistar #190387



## Budget & Policy Discussion

- At the request of the Village Board of Trustees, staff has been directed to evaluate and provide recommendations to the tree planting program
- The review of policies relative to publicly owned/maintained assets falls under the purview of the PWECC

# Current Village Code

## ARTICLE III. - TREE PLANTING PROGRAM

### § 99.20 - Created.

- The Board of Trustees hereby creates and sets up an annual tree planting program for new trees and tree replacement. The trees are to be placed in the village right-of-way at village-determined locations with no fees charged to the adjacent property owner.

### § 99.21 - Purchase of trees by village.

- The village shall on an annual or bi-annual basis contract to purchase trees to be placed in village right-of-way in front or on the side of homes, businesses, and the like within the corporate limits of the village.

### § 99.22 - Property owner participation.

- Village property owners may participate in the program on a first come, first serve basis, and request the placement of a tree in the village right-of-way in front of their property. The village shall determine the location and placement of the trees.

### § 99.23 - Fees.

- Village property owners participating in the program shall be charged a flat fee of \$350.00 for each tree requested. Multiple requests shall be granted only after all single requests have been supplied. Said fee must be paid upon application for a tree.

### § 99.24 - Removal of unauthorized plantings.

- The village may remove any unauthorized plantings within any public place without compensation to the owner.

# Current Village Planting Program

- Current inventory of Village owned trees – 19,322
- Annual Budget of \$75,000 through Hotel/Motel Tax Fund, General Fund, Resident/Developer Contributions
- Replacement tree typically planted within 12-18 months from date of removal – provided space exists
- Trees procured through Suburban Tree Consortium (STC) through WCMC
- Cost per tree is \$350.00
- Budget allows for planting of 215 annually

# Planting Program Recommendation

## Three tiered tree planting program

1. Tree replacements in cases where Village removed tree
  - No cost to the property owner for removal or replacement
  - Replaced if space exists, as determined by Village's Forestry Supervisor
  - Property owner provides input on tree species
2. Resident requested tree
  - If space is sufficient, property owner would pay \$150.00
  - Property owner provides input on tree species
3. Plantings due to private development
  - Village collect \$350.00/tree required based upon frontage
  - Developer provides input on tree species

# Tree Removal Program

- Current program requires developer to pay \$350.00 for each tree removed
- Many communities collect removal fee based upon size or appraised value of tree(s) removed
- Compensates for the loss of environmental or ecological benefits
  - Oxygen production
  - Rainfall interception
  - Cleaning of air



# Tree Removal Fee Options

Two common methods that both use at breast height (DBH) as basis

## 1. Replacement Tree Method

- Uses DBH divided by 2 to determine number of replacement trees
- Multiplies number of trees by \$350.00 to determine removal
- i.e. 16" tree removed:  $(16''/2'')=8$ ;  $(8*\$350)=\$2,800$

## 2. Flat Fee Method

- Flat fee established per DBH
- Common fee is \$175/DBH
- i.e. 16" tree removed:  $16''*\$175=\$2,800$

# Staff Recommendation

- Tree Planting Program
  - Amend Village Code to establish 3 tiered program
  - Annually evaluate the planting cost through STC and amend Code to cover costs
- Tree Removal Program
  - Amend Village Code to establish removal program based upon Replacement Tree Method

## ARTICLE III. - TREE PLANTING PROGRAM

## § 99.20 - Created.

The Board of Trustees hereby creates and sets up an annual tree planting program for new trees and tree replacement. The trees are to be placed in the village right-of-way at village-determined locations with no fees charged to the adjacent property owner.

(Ord. No. 7193, § 1, passed 2-18-16)

## § 99.21 - Purchase of trees by village.

The village shall on an annual or bi-annual basis contract to purchase trees to be placed in village right-of-way in front or on the side of homes, businesses, and the like within the corporate limits of the village.

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