



Item #10.

Staff Report 099-19

TO: Mayor and City Council
FROM: Eric Holmes, City Manager
DATE: 7/15/2019

SUBJECT Revisions to VMC 12.02 Urban Forestry Commission

Key Points

- Current VMC 12.02 was adopted in 1987 and has not been updated.
- Revisions reflect current scope and structure of the Urban Forestry Commission.
- Minor cleanup of definitions for consistency.
- Updates purpose and membership report to Public Works Department.
- Realigns outreach, programs and goals.

Strategic Plan Alignment

N/A

Present Situation

The current Urban Forestry Commission Ordinance (VMC 12.02) was originally adopted in 1987 and has remained unchanged since that time. The code is now outdated and does not reflect current scope and structure. Over the years, the scope of the Urban Forestry Commission has changed slightly from program development to overseeing program implementation and project, policy, and code review. The current code also requires at least one member be a Parks and Recreation Advisory Commissioner (PRAC). PRAC has had difficulty appointing a PRAC member to serve on both commissions. As a result, the Urban Forestry Commission (UFC) has been operating with only six members. The UFC now meets monthly or at least 10 times a year to qualify Vancouver as a Tree City USA, is active in the community and is staffed by the City Forester. Vancouver now has an Urban Forestry Management Plan to help guide the program. The Urban Forestry Program is now part of Vancouver Public Works' Environmental Resource Division, though it maintains close ties to Vancouver Parks and Recreation Department.

Advantage(s)

1. It is in the public interest to protect and manage the urban forest as it provides considerable benefit to the city in reducing stormwater runoff, absorbing air pollutants, providing wildlife

habitat, providing shade, stabilizing soil, and providing considerable aesthetic benefits.

2. The City undertakes efforts that promote the benefits of the urban forest through the adoption of plans, policies and regulations. The City seeks to provide oversight in these efforts through a Commission that will advise the City in the adoption of plans, policy and regulations, and provides for citizen engagement, which is a vital role in City government.
3. Provides seven members appointed by City Council without requiring one Commissioner to serve on two Commissions.
4. Reflects current scope, operating and organizational structure of the Commission.
5. Clarify roles, responsibility and expectations for future Commissioners

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

- Memo delivered to Council June 25, 2019
- First reading of ordinance July 8, 2019

Action Requested

On July 15, 2019, subject to second reading and public hearing, approve ordinance.

Charles Ray, Urban Forester, 487-8328

ATTACHMENTS:

- ▢ Ordinance
- ▢ Presentation

07/08/19

07/15/19

ORDINANCE NO. M - 4272

AN ORDINANCE amending Vancouver Municipal Code (VMC) Chapter 12.02 “Urban Forestry Commission” relating to the urban forestry commission establishment, definitions and Commission structure and providing for savings and an effective date.

WHEREAS, the City’s Strategic Plan provides for the City to continue to build high quality historical and cultural experiences for residents and visitors; and

WHEREAS, the City previously established the Vancouver urban forestry commission for the purposes of preserving, managing and enhancing its urban forest, which contributes to the City’s residents and visitors cultural experiences; and

WHEREAS, the urban forestry commission consists of seven members who have demonstrated an interest in the preservation and enhancement of the urban forest; and

WHEREAS, the urban forestry commission has recently reviewed VMC Chapter 12.02 and wishes to recommend changes to the VMC Chapter 12.02 for approval and adoption by the City Council; and

WHEREAS, the Council determines to adopt the changes in VMC 12.02 as provided for in this Ordinance.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VANCOUVER:

SECTION 1. Legislative Findings. The recitals set forth above are adopted as the legislative findings of the City Council of the City of Vancouver in support of adoption of this ordinance.

SECTION 2. Establishment of urban forestry commission – Purpose. Vancouver Municipal Code Section 12.02.010 as last amended by M-2726 is hereby amended as follows:

VMC 12.02.010 Establishment of urban forestry commission – Purpose.

~~There is established a~~ The Vancouver urban forestry commission ~~has been established~~ for the purpose of preserving, managing, conserving and increasing ~~enhancing the existing trees located in the parks and public areas owned by the city of Vancouver and in public right of way~~ the city's urban forest, and thereby ~~enhancing the appearance of the city and protecting an important~~ a vital environmental, social and economic resource ~~for the~~ that ~~benefits all of the city's residents and visitors, and for the purpose of assisting property owners and public agencies to improve and maintain trees in~~ improving and maintaining the urban forest in a manner consistent with adopted city policies. (Ord. M-2726 § 2, 1987)

SECTION 3. Definitions. Vancouver Municipal Code Section 12.02.020 as last amended by M-2726 is hereby amended as follows:

VMC 12.02.020 Definitions.

For the purpose of this chapter, certain terms are defined in this section. When not inconsistent with the context, words in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the masculine includes the feminine. The word "shall" is always mandatory and not merely directory. Other words and terms not herein defined shall have the meaning customarily assigned to them.

~~1-~~ "Arboriculture" means that part of horticulture which deals with the study and care of trees and other woody plants.

~~2-~~ "City" means the incorporated City of Vancouver, Clark County, Washington.

"City Forester" means the City's Urban Forester, or designee.

3. ~~"Commission" means the urban forestry commission.~~

4. ~~"Director" means the director of the department of Vancouver/Clark Parks and Recreation City's Director of Public Works, or designee.~~

5. ~~"Person" means any individual, firm, association, corporation, agency or organization of any kind.~~

6. ~~"Plan" means the tree planting and maintenance plan for streets, parks and public areas, also known as the "urban forestry plan."~~

7. ~~"Pruning" means the cutting or removing of any part of the branching structure of a plant in either the crown, trunk or root areas.~~

8. ~~"Removal" means the cutting or removing of fifty percent or more of the crown, trunk or root system of a plant.~~

9. ~~"Street" means any improved or unimproved public street, including the sidewalk, parking or planting strip, alley and right of way, and any pedestrian mall or other public area owned or leased by the city.~~

10. ~~"Director" means the director of Vancouver/Clark Parks and Recreation or the director's designee.~~

11. ~~"Tree" includes only those trees which are located on public property or which are otherwise subject to the jurisdiction of the city by virtue of an agreement, conditional use permit, or other similar provisions. means any self-supporting perennial woody plant, generally single-stemmed, that matures at a height of at least twenty feet and is recognized by the city as a tree.~~

12. ~~"Urban Forestry" means the field of study and practice which has as its objective the cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological and economical well-being of urban society. Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry embraces a multi-managerial system that includes watersheds within the city, wildlife habitats, outdoor recreation opportunities, landscape design, recycling of municipal wastes, and tree care in general. the cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological, environmental and economic well-being of urban society. Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry is one essential component of a multi-managerial system that includes watersheds within the City, wildlife habitats,~~

outdoor recreation opportunities, landscape design, repurposing of municipal vegetative wastes and tree care in general.

13. ~~"Utility" means any public utility, public utility district, or regulated private utility which supplies electrical energy, gas, heat or steam, water, telephonic communications, sewage disposal or treatment, and other similar services but does not include transportation services, such as bus transportation, railroad operations or similar services. (Ord. M 2726 § 3, 1987)~~

“Urban Forest Management Plan (UFMP)” means a long range action plan that coordinates the management and administration of the urban forest. An UFMP is a roadmap that creates a shared vision for the future of the urban forest. It is a detailed plan that coordinates the roles and responsibilities to proactively and effectively manage the urban forest and provide for maximum, long-term benefits to the community.

SECTION 4. Commission – Membership, officers and meetings. Vancouver

Municipal Code Section 12.02.030 as last amended by M-3103 is hereby amended as follows:

VMC 12.02.030 Commission – Membership, officers and meetings.

- a. The urban forestry commission shall consist of seven members who have demonstrated an interest ~~in urban forestry and~~ in the preservation of trees and enhancement of the urban forest and the beautification of Vancouver. Members shall be appointed by ~~the mayor~~ city council, subject to confirmation by the Mayor and city council, and shall serve for a term of four years. Members of the commission may be reappointed to serve two full terms.
- b. At least one member of the commission shall have experience and/or expertise in arboriculture, landscape architecture, or urban forestry.
- ~~c. At least one member of the commission shall also be a member of the Vancouver/Clark Parks and Recreation Commission.~~
- ~~c.~~ The commission shall elect its own chairperson and vice-chairperson. The commission shall promulgate rules of procedure consistent with this chapter for the conduct of its meetings and for the hearings of appeals within its jurisdiction.
- d. The commission shall organize itself, establish committees or subcommittees, and delegate duties for the performance of its work.

e. The commission shall hold ~~regular quarterly meetings~~ at least 10 meetings per year. Such other regular or special meetings may be called as are necessary or desirable and in accordance with law.

f. ~~All seven members of the Commission on or about February 15, 1994 shall draw lots and as a result of such drawing, two members shall have four years to serve, two member shall have three years to serve, and three members shall have one year to serve on the Commission from February 15, 1994. Thereafter, all appointments to the commission shall be for four years. Meetings of the commission, the minutes of its proceedings and its findings and recommendations shall be open to the public. Meeting notifications, agendas, minutes, annual report and other related materials shall be available to the public.~~ (Ord. M-3103 § 1, 1993; Ord. M-2994 § 1, 1992; Ord. M-2726 § 4, 1987)

g. All actions of the commission shall be determined by a majority vote in a meeting at which a quorum is present. A majority of total appointed membership of the commission shall constitute a quorum.

SECTION 5. Commission powers and duties. Vancouver Municipal Code Section

12.02.040 as last amended by M-2726 is hereby amended as follows:

VMC 12.02.040 Commission powers and duties.

The urban forestry commission shall have the following powers and duties:

1. The commission shall develop, renew and update periodically the urban forestry ~~master management~~ plan for the city of Vancouver, and shall submit the same to the city council for the council's approval and adoption.
2. The commission shall have authority to review city plans, ~~and policies and projects~~ which contain matters relating to urban forestry and arboriculture and provide advice and guidance to City Council, commissions, and city departments.
3. The commission shall have authority to provide the city manager with its analysis of the contents of the biennial forestry budget request.
4. The commission shall prepare an annual report on it activities and submit the report to ~~the Vancouver/Clark Parks and Recreation Commission and to the City Council.~~
5. ~~The commission shall consider the development and implementation of a city street tree permit system and make recommendations to the city council on the advisability of adopting such a system.~~

engage and involve the public in preserving and enhancing Vancouver’s urban forest through vigorous outreach and education programs on the benefits of trees and urban forestry matters.

6. The commission shall ~~consider the development and implementation of a program for identifying and maintaining trees in the city which have significant historical, cultural, environmental or public significance and shall make recommendations to the city council on the advisability of adopting such a program~~ administer the city’s Heritage Tree Program, VMC 20.770.120.

7. The commission shall be responsible for coordinating outreach programs including but not limited to the city's Arbor Day event programs, Old Apple Tree Festival, Gordon & Sylvia MacWilliams Award, and the Silva-Bolds Whitfield Award.

8. The commission shall develop and recommend to the City Council for its adoption ordinances and policies for the planting, care and protection of trees throughout the City and to make amendments as required.

89. The commission shall have such other and further powers and duties as may be provided by ordinance or resolution. (Ord. M-2726 § 5, 1987)

SECTION 6. Commission support – Conflicts of Interest. Vancouver Municipal

Code 12.02.050 as last amended by M-2726 is hereby amended as follows:

VMC 12.02.050 Commission Support – Conflicts of interest.

- a. The ~~director~~ City Forester is that person designated by the Director who shall assist the commission in the discharge of its duties and the city may contract for services on behalf of the commission.
- b. The city shall not retain the services, directly or indirectly, of any person serving as a member of the commission. (Ord. M-2726 § 6, 1987)

SECTION 7 Planning – Approved plantings. Vancouver Municipal Code 12.02.060

as last amended by M-2726 is deleted in its entirety.

SECTION 8. Public Duty Created. Vancouver Municipal Code 12.02.070 as last

amended by M-2726 is hereby amended to read as follows:

VMC 12.02.07060 Public duty created.

The provisions of this title are intended by the city council of the city of Vancouver to create only a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. Further, these provisions are not intended to be enforced for the protection of any person or class of persons. (Ord. M-2726 § 8, 1987)

SECTION 9. Savings. Those sections of the ordinances amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

SECTION 10. Severability. If any provision of this Ordinance is held invalid, the validity of this Ordinance as a whole, or any portion thereof, shall not be affected.

SECTION 11. Ratification. Acts taken in conformity with this Ordinance prior to its effective date are hereby ratified and affirmed.

SECTION 12. Effective Date. The provisions of this ordinance shall become effective thirty (30) days following the date of final adoption.

Read first time: July 8, 2019

Ayes: Councilmembers Paulsen, Lebowsky, Glover, Stober, Turlay, Hansen and Mayor McEnerny-Ogle

Nays: None

Absent: None

Read second time: July 15, 2019

PASSED BY THE FOLLOWING VOTE: 7-0

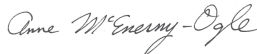
Ayes: Councilmembers Paulsen, Lebowsky, Glover, Stober, Turlay, Hansen and Mayor McEnerny-Ogle

Nays: None

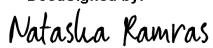
Absent: None

ORDINANCE - 7


SIGNED this 15th day of July, 2019.

DocuSigned by:

58CB15C0632F403...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

BCF6734E70E94AE...
Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:

AAC4768B6D2D446...
E. Bronson Potter, City Attorney

SUMMARY

ORDINANCE NO. M-4272

AN ORDINANCE amending Vancouver Municipal Code (VMC) Chapter 12.02 relating to the Urban Forestry Commission establishment, definitions and commission structure and providing for savings and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

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City of Vancouver

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Bronson Potter

bronson.potter@cityofvancouver.us

City of Vancouver

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Natasha Ramras

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City of Vancouver

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