ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of July 10, 2010

DATE: June 17, 2010

SUBJECT: Request to Advertise a public hearing on the adoption of non-codified ordinances designating six trees on private property as "Specimen Trees" in accordance with Article III of Chapter 67 of the Arlington Code, Regulation of Heritage Trees, Memorial Trees, Specimen Trees on Public or Private Property (hereinafter "Tree Preservation Ordinance") so that they are subject to protection from removal or injury.

C. M. RECOMMENDATION:

Authorize advertisement of a public hearing for the adoption of the attached ordinances on September 25, 2010 to designate six trees on private property as "Specimen Trees" in accordance with Arlington County's Tree Preservation Ordinance so that they are subject to protection from removal or injury.

ISSUES: County Board approval is required for designation of "Specimen Trees" through the Tree Preservation Ordinance, which would result in their protection from removal or injury.

SUMMARY: Arlington County's Tree Preservation Ordinance (Chapter 67, Trees and Shrubs) provides a mechanism for the County Board to designate Heritage, Memorial, Specimen and Street Trees on both public and private property, which results in special protection from removal or damage. Staff recommends that the Board authorize advertisement of a public hearing for the adoption of ordinances on September 25, 2010 that would designate six privately owned trees as "Specimen Trees" so that they are protected from removal or injury, subject to the conditions of Arlington's Tree Preservation Ordinance. All trees meet the criteria for "Specimen Tree" by virtue of their outstanding size and quality for their particular species.

BACKGROUND: In November of 2002, the Arlington County Board approved a Tree Preservation Ordinance, codified in Chapter 67 (Trees and Shrubs) of the Arlington Code. The Tree Preservation Ordinance focuses on two main areas: 1) the protection of trees on County property (or public vehicular and pedestrian easements maintained by the County), and 2) establishing a mechanism for designating Heritage, Memorial, Specimen and Street Trees on both public and private property, which may result in special protection status. The recommended Request to Advertise a public hearing for designation of six privately owned trees as "Specimen Trees" under this ordinance provides special protection for these trees. The

County Manager: MBmnA

County Attorney: SM MTN

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Staff: Aftab Hussain, Department of Parks, Recreation and Cultural Resources

privately owned trees were nominated for designation by the owners of the properties where the trees are located.

The Tree Preservation Ordinance stipulates that no designated trees shall be removed or damaged in any way unless the County Board determines that: (a) there is an overriding need for public improvements; or (b) a severe hardship exists for reasonable use of a site. Should the County Board determine to permit removal, the Board may require that the tree be replaced with a similar tree or trees to approximate the canopy lost, and must issue a writing specifying the action permitted, the tree and its location, and the findings justifying the permission. However, nothing shall prevent the County Manager from permitting the removal of a tree in the event that the Urban Forester determines that the tree is dead, has become irreversibly diseased or irreversibly damaged by natural causes, or presents a hazard to the public.

Any person or entity who violates Arlington's Tree Preservation Ordinance by causing, contributing to, or permitting injury to or removal or destruction of a Heritage, Memorial, Specimen, or Street Tree shall be subject to a civil penalty not to exceed $2,500 for each violation.

Arlington's Tree Preservation Ordinance also states that the provisions governing the preservation of designated Heritage, Memorial, Specimen and Street Trees "shall not apply (a) to work conducted on Federal or State property; (b) to emergency work to protect life, limb or property; (c) to routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service; (d) to activities with minor effects on trees, including but not limited to home gardening and landscaping of individual homes; and (e) to commercial silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops".

DISCUSSION: The six trees proposed for designation as "Specimen Trees" through Arlington County's Tree Preservation Ordinance are outstanding examples of their species in the County. The following information describes each tree and the reasons why the Urban Forester recommends them for special designation:

White oak (*Quercus alba*) located on 3618 22nd Street North
The owner of this property, Debra Hollander, has nominated this large white oak for specimen tree status because of its outstanding size and age estimated at 150 years. It has a circumference of nearly 120 inches. It stands 80 feet tall and has a crown spread over 37 feet.

American Elm (*Ulmus americana*) located on 3826 8th Street South (facing the property from the street, it is in the right rear next to house)
The owner of this property, Terri Barker, has nominated this very tall American Elm for specimen tree status because of its outstanding height. It has a circumference of nearly 140 inches. It stands 45 feet tall and has a crown spread over 16.25 feet.

White oak (*Quercus alba*) located on 46 N Fenwick Street in the front yard

The owner of this property, Michelle Stetanick, has nominated this tall and old white oak for specimen tree status because of its outstanding size. It has a circumference of nearly 116 inches. It stands 61 feet tall and has a crown spread over 20.9 feet.

White oak (*Quercus alba*) located on 46 N Fenwick Street in the back yard
The owner of this property, Michelle Stetanick, has nominated this second, and larger, white oak for specimen tree status because of its outstanding size. It has a circumference of nearly 164 inches. It stands 102 feet tall and has a crown spread over 23 feet.

Pin oak (*Quercus palustris*) located on 725 25th Street South in the back yard near left property line of the property
The owner of this property, Lawrence Libello, has nominated this very tall pin oak for specimen tree status because of its outstanding size. It has a circumference of nearly 159 inches. It stands 85 feet tall and has a crown spread over 23.4 feet.

Black oak (*Quercus velutina*) located on 116 North Garfield Street in the back yard of the property
The owner of this property, Michelle Stetanick, has nominated this very old black oak for specimen tree status because of its size. It has a circumference of nearly 132 inches. It stands 65 feet tall and has a crown spread over 20.25 feet.

FISCAL IMPACT: No fiscal impacts are expected to result from the designation of these trees.

ORDINANCE DESIGNATING A SPECIMEN TREE ON PRIVATE PROPERTY AT 3618 22nd STREET NORTH (RPC# 05053004)

BE IT ORDAINED that the County Board of Arlington, Virginia, hereby designates the White Oak (*Quercus alba*) behind the house of 3618 22nd Street North (RPC# 05053004), a Specimen Tree, pursuant to its authority under Arlington County Code § 67-3-1 and upon recommendation of the urban forester, and that the tree shall be accorded all protections as provided in the applicable provisions of Chapter 67 of the Arlington County Code; and,

BE IT FURTHER ORDAINED that the County Manager shall take the steps necessary to place this ordinance in the appropriate land records of Arlington County so that the future owners of the property are aware of the protection provided the designated tree.

ORDINANCE DESIGNATING A SPECIMEN TREE ON PRIVATE PROPERTY AT 3826 8th STREET SOUTH (RPC# 23032015)

BE IT ORDAINED that the County Board of Arlington, Virginia, hereby designates the American Elm (*Ulmus americana*) located at 3826 8th Street South, in the right rear next to the house when the property is viewed from the street (RPC# 23032015), a Specimen Tree, pursuant to its authority under Arlington County Code § 67-3-1 and upon recommendation of the urban forester, and that the tree shall be accorded all protections as provided in the applicable provisions of Chapter 67 of the Arlington County Code; and,

BE IT FURTHER ORDAINED that the County Manager shall take the steps necessary to place this ordinance in the appropriate land records of Arlington County so that the future owners of the property are aware of the protection provided the designated tree.

ORDINANCE DESIGNATING A SPECIMEN TREE ON PRIVATE PROPERTY AT 46 N FENWICK STREET (RPC# 18082014)

BE IT ORDAINED that the County Board of Arlington, Virginia, hereby designates the White Oak (*Quercus alba*) in the front yard of the house at 46 Fenwick Street (RPC# 18082014), a Specimen Tree, pursuant to its authority under Arlington County Code § 67-3-1 and upon recommendation of the urban forester, and that the tree shall be accorded all protections as provided in the applicable provisions of Chapter 67 of the Arlington County Code; and,

BE IT FURTHER ORDAINED that the County Manager shall take the steps necessary to place this ordinance in the appropriate land records of Arlington County so that the future owners of the property are aware of the protection provided the designated tree.

ORDINANCE DESIGNATING A SPECIMEN TREE ON PRIVATE PROPERTY AT 46 N FENWICK STREET (RPC# 18082014)

BE IT ORDAINED that the County Board of Arlington, Virginia, hereby designates the White Oak (*Quercus alba*) in the back yard of the house at 46 Fenwick Street (RPC# 18082014), a Specimen Tree, pursuant to its authority under Arlington County Code § 67-3-1 and upon recommendation of the urban forester, and that the tree shall be accorded all protections as provided in the applicable provisions of Chapter 67 of the Arlington County Code; and,

BE IT FURTHER ORDAINED that the County Manager shall take the steps necessary to place this ordinance in the appropriate land records of Arlington County so that the future owners of the property are aware of the protection provided the designated tree.

ORDINANCE DESIGNATING A SPECIMEN TREE ON PRIVATE PROPERTY AT 725 25th STREET SOUTH (RPC# 36045015)

BE IT ORDAINED that the County Board of Arlington, Virginia, hereby designates the Pin Oak (*Quercus palustris*) in the back yard of the house at 725 25th Street South (RPC# 36045015), a Specimen Tree, pursuant to its authority under Arlington County Code § 67-3-1 and upon recommendation of the urban forester, and that the tree shall be accorded all protections as provided in the applicable provisions of Chapter 67 of the Arlington County Code; and,

BE IT FURTHER ORDAINED that the County Manager shall take the steps necessary to place this ordinance in the appropriate land records of Arlington County so that the future owners of the property are aware of the protection provided the designated tree.

ORDINANCE DESIGNATING A SPECIMEN TREE ON PRIVATE PROPERTY AT 116 NORTH GARFIELD STREET (RPC# 18079009)

BE IT ORDAINED that the County Board of Arlington, Virginia, hereby designates the Black Oak (*Quercus velutina*) in the back yard of the house at 116 North Garfield Street (RPC# 18079009), a Specimen Tree, pursuant to its authority under Arlington County Code § 67-3-1 and upon recommendation of the urban forester, and that the tree shall be accorded all protections as provided in the applicable provisions of Chapter 67 of the Arlington County Code; and,

BE IT FURTHER ORDAINED that the County Manager shall take the steps necessary to place this ordinance in the appropriate land records of Arlington County so that the future owners of the property are aware of the protection provided the designated tree.