



Staff Report

Date: June 4, 2014

To: Mayor P. Beach Kuhl and Council Members

From: Elise Semonian, Senior Planner

Subject: Council consideration of Resolution 1860 to establish fees for certain applications under the Zoning Code and an in-lieu fee for offsite tree replacement under Chapter 12.24

Recommendation

Council adopt proposed Resolution 1860 and direct staff to establish a tree account when any in lieu fees are received

Background and Discussion

The Town Council may adopt Ordinances 652 and 653 at the May meeting. Staff is recommending fees to recover the costs of providing services under the ordinances.

The Town tree ordinance, Ross Municipal Code Chapter 12.24, recommends applicants plant replacement trees at a ratio of one or three new trees for every tree removed, depending on the zoning district. The replacement tree requirement does not specify the size of the replacement tree. The tree ordinance permits applicants to pay a fee for planting trees off site in lieu of providing replacement trees. The Town has not established the in lieu fee.

The in lieu fee is discretionary and not every applicant will be required to pay the fee. Generally, staff anticipates requiring the fee when tree planting is necessary to mitigate impacts from tree removal and when trees cannot be planted on site.

The Town cost for tree planting varies based on the size of the replacement tree, the location, and if there is a water source. Sometimes the tree must be hand watered until established. Where irrigation is necessary, the costs of obtaining new water meters and installing irrigation can be substantial. At a minimum, public works staff estimates it costs approximately \$350 to purchase and plant a small tree (not including staff time for hand watering). It can cost \$40,000 or more to establish a new planting area with a water meter and irrigation, even if few trees are planted.

Estimated cost of tree replacement

To establish an in lieu fee, staff suggests the Council consider the average estimated cost of planting trees in the available places in Town. Since the Town recently completed an extensive street tree planting effort, there are limited areas in Town in which to plant new trees. Staff estimates approximately 100 trees could be planted on Town property or in rights-of-way for approximately \$175,000, or an average cost of \$1,750 per tree:

- \$50,000 for 4 trees in the median of Sir Francis Drake Boulevard, water meter, irrigation
- \$35,000 for 20 trees on the creek site of the Post Office through Allen Park, extending well irrigation
- \$50,000 for 20 trees and irrigation around Town buildings and the corporation yard
- \$35,000 for 40 trees, some specimen trees, around the Ross Common, downtown, and adjacent streets with existing irrigation or hand watering
- \$5,000 for 16 trees in miscellaneous areas around Town with hand watering

If the in lieu fee is significantly higher than the cost of planting a tree on site, applicants are expected to plant replacement trees on site, even if unnecessary for canopy replacement. The cost of replanting a tree is minimal, since the town has no minimum size for replacement trees. Therefore, staff suggests setting a fee at a reasonable level, but lower than the Town's cost for tree planting, such as \$750 per tree.

Fiscal, resource and timeline impacts

Staff time to research and draft report, attend Council meeting, and amend fee schedule. Staff and outside consultant time to track tree account. The in lieu fee will generate funds to defray Town costs to plant new trees.

Attachments

Resolution 1860

TOWN OF ROSS

RESOLUTION NO. 1860

A RESOLUTION OF THE TOWN OF ROSS ESTABLISHIING FEES FOR CERTAIN APPLICATIONS UNDER TITLE 18 OF THE ZONING CODE AND IN LIEU TREE REPLACEMENT FEE UNDER CHAPTER 12.24 OF THE ROSS MUNICIPAL CODE

THE ROSS TOWN COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the California Constitution and the laws of the State of California permit the Town to establish fees to cover the estimated reasonable cost of providing the service for which the fee is charged; and

WHEREAS, the Town Council desires to set fees to cover the estimated reasonable cost for various government services provided by the Town of Ross as set forth herein; and

WHEREAS, the Town Council desires to set a fee in lieu of recommended on-site tree replacement less than the \$1,750 estimated average cost for Town tree planting; and

WHEREAS, California Government Code Section 66016 requires notice to be given and data made available at specified times prior to the adoption of increases in existing rates, fees, and charges, or the adoption of new rates, fees, and charges at a public meeting of Council; and

WHEREAS, pursuant to California Government Code Section 66016, Council has held at least one noticed public meeting at which oral or written presentations could be made, as part of a regularly scheduled meeting, prior to the adoption of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The Ross Town Council adopts and approves the following fees for the services identified:

Encroachment permit for directional signs in the right-of-way	\$0
Banners	cost of installation
Town Council Review of Master Sign Program	\$1,155
Nonconformity Permit	\$1,566
In Lieu Tree Replacement Fee, per tree	\$750

Section 2: The Council hereby finds that based upon the data, information, analysis, oral and written documentation presented to Council the fees do not exceed the estimated reasonable cost of providing the service for which the fees are charged.

Section 3: The fees shall be effective 60 days after Council adoption.

Section 4: The fees shall be adjusted annually for inflation on July 1, the beginning of the Town fiscal year, based on the annual inflation rate for the United States Bureau of Labor Statistics Bay Area All Consumer Price Index through the prior 12 months.

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 10th day of June 2014, by the following vote:

WHEREAS,

AYES:

NOES:

ABSENT:

ABSTAIN:

P. Beach Kuhl, Mayor

ATTEST:

Linda Lopez, Town Clerk