

**VIRTUAL JOINT STUDY SESSION OF
WINNETKA VILLAGE COUNCIL
ENVIRONMENTAL & FORESTRY COMMISSION**

Zoom
May 11, 2021
7:00 PM

AGENDA

In accordance with social distancing requirements and Governor Pritzker's Executive Orders 2020-43 and 2020-44, and Section 7(e) of the Illinois Open Meetings Act, the Winnetka Village Council meeting on Tuesday, May 11, 2021 will be held virtually. The meeting will be livestreamed via the Zoom platform. At least one representative from the Village will be present at Village Hall in compliance with Section 7(e) of the Illinois Open Meetings Act, and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to Executive Orders 2020-43 and 2020-44 issued by the Governor, the number of people who may gather at Village Hall for the meeting is limited due to the mandated social distancing guidelines. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a "first come, first-served" basis.

The public has two options for observing and participating in this virtual joint Village Council and Environmental & Forestry meeting including the ability to provide oral comments during the meeting. To facilitate an efficient meeting, public comments submitted in advance are encouraged.

Telephone (audio only Call 312-626-6799), when prompted enter the Meeting ID – 95860207865

- 1) (Please note there is no additional password or attendee ID required)
- 2) Livestream (both audio and video feed) Download the Zoom meetings app to your smartphone, tablet or computer and then join Meeting ID: 95860207865. Event Password: VC051121

Public comments should be emailed to contactcouncil@winnetka.org. Public comments received by 6:45 p.m. on Tuesday, May 11, 2021 will be read at the appropriate time during the meeting. General comments for matters not on the agenda will be read at the beginning of the meeting under the Public Comment agenda item. Comments specific to a particular agenda item will be read during the discussion of that agenda item. The Village will attempt to have comments received after the meeting has started read at the end of the meeting. Public comment is limited to 200 words or less. Public comments should contain the following information:

- In the subject line – "Village Council Meeting Public Comment"
- Name
- Address (optional)
- Phone (optional)
- Organization or agency representing, if applicable
- General comment or comment on topic of specific agenda item number

All emails received will be acknowledged either during or after the meeting, depending on when they are received. If you do not have access to email, you may leave a message with your public comment at the Village Manager's office at 847-716-3541 or mail to Village Clerk, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093.

**Joint Study Session Meeting of
Winnetka Village Council
Environmental & Forestry Commission
Village Hall
510 Green Bay Road
May 11, 2021
7:00 PM
Zoom**

AGENDA

- 1) Call to Order
 - Village Council
 - Environmental & Forestry Commission
- 2) Public Comment
- 3) Parkway Planting Policy Discussion2
- 4) Closed Session
- 5) Adjournment

NOTICE

All agenda materials are available at [villageofwinnetka.org](https://www.villageofwinnetka.org) (Governance > *Agendas & Minutes*); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor). Webcasts of the meeting may be viewed on the Internet via a link on the Village's web site: <https://www.villageofwinnetka.org/AgendaCenter>.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3546; T.D.D. 847-501-6041.



Agenda Item Executive Summary

Title: Environmental and Forestry Commission - Parkway Policy Recommendations

Presenter: Andrew Lueck, Village Forester

Agenda Date: 05/11/2021

Consent: ☐ YES ☒ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☒ Informational Only

Item History:

In the summer of 2020, a Village resident installed a raised garden in the public parkway adjacent to their property. The Village Code requires permission from the Village for planting on Village parkways and also prohibits structural encroachments in Village rights-of-way. After communications between Village staff and the resident, it became apparent that additional clarity and guidance are needed in both the Village Code and the permit application materials for planting in public rights-of-way. The Environmental and Forestry Commission (EFC) was tasked by the Village Council with developing parkway policy recommendations for the permitting process and allowable parkway plantings.

Executive Summary:

At their December 8, 2020 Study Session, the Village Council reviewed proposed Code revisions pertaining to parkway structures and plantings presented by retired Public Works Director Steve Saunders. As part of the discussion, the Village Council asked the EFC to develop recommendations for: (i) the placement of items in the parkway; and (ii) the parkway planting permitting process.

The EFC discussed the parkway policy at four meetings between January and April of 2021. The meetings covered several topics, including the experience of other municipalities, the permitting process, and allowable species for parkway planting.

A list of preferred species for parkway planting was developed by the EFC with guidance from Matt Evans, a horticulturalist with the Chicago Botanic Garden. The list includes native plants that would be expected to perform well in a parkway setting and also be unobtrusive enough to not create a visual obstruction.

EFC commissioners researched and communicated with several other municipalities in order to learn about their parkway planting policies. The information gleaned from this research was used to inform the EFC's parkway recommendations.

The EFC has developed recommendations for the permitting process for parkways, including the creation of a streamlined and separate permit application to be reviewed by Village staff.

Recommendation:

Consider EFC recommendations for updating the Village Code and permitting process as they pertain to plantings and structures in the parkway.

Attachments:

- 1) Parkway Policy Memo from Charles Dowding
- 2) EFC Decisions Made at April 14, 2021 Meeting
- 3) Draft minutes from April 14, 2021 EFC Meeting
- 4) Recommended parkway plant list
- 5) Parkway Planting Permit Review - Saunders Presentation from 12-8-20 Village Council Meeting

**VILLAGE OF WINNETKA
M E M O R A N D U M**

TO: Winnetka Village Council

FROM: Charles Dowding, Chair of Environmental and Forestry Commission

DATE: May 5, 2021

SUBJECT: Environmental and Forestry Commission – Parkway Recommendations

The Environmental and Forestry Commission (EFC) was tasked by the Village Council with developing parkway policy recommendations. The EFC devoted 4 consecutive meetings to this investigation. Dates and foci of these meetings were publicized beforehand in the Village e-letter(s) in addition to the normal agenda packet publication and announcement. Its recommendations are summarized below. Further details on the EFC's recommendations are included in the agenda packet for the May 11 Village Council Study Session.

These recommendations are presented in principle rather than specification form. Principle-based form focuses discussion on goals to achieve and provides guidance for staff in unusual situations.

1. Proposed Code Changes

Several code changes were proposed by Steven Saunders, retired Director of Public Works at a December 8, 2020 Village Council Study Session. The EFC concurs with all of Mr. Saunders recommendations for code, with additional guidance provided in item 6 below.

2. Preferred Parkway Plantings

- a. A list of preferred plants (primarily hearty, native species) for planting in the parkway has been developed. However, the list is not inclusive, and other species can be planted that otherwise meet principles expressed below and Village requirements.
- b. Recommended shrubs, ground cover, and plants should be sustainable and improve stormwater management. These include but are not limited to those that:
 - i. are native and drought resistant to decrease use of water and fertilizers
 - ii. attract pollinators and butterflies to increase biodiversity
 - iii. require less maintenance and thus are more naturally sustainable
 - iv. are perennial to reduce the CO2 producing efforts needed to replant and weed annually

Permit applicants will be asked to specify which sustainable objectives are being met by their plant choices.

- c. Originally a fifth principle (edible to reduce transport induced CO2 emissions) was included. The EFC eliminated this broad articulation that included fruit and vegetables, whose decaying products would attract animals and prove unsightly in favor of including only leafy and root vegetables in the preferred plantings guidance.

3. Guidance for bioswales and rain gardens

Rain garden is a better term for natural rainwater collecting areas in the parkway, as bioswale connotes conveyance of water over larger land parcels.

- a. Surface of the rain garden should be generally level
(e.g. maximum deviation of 3-6 inches and slope equal to 1-3 inches per foot)
- b. Subsurface soil enhancements should avoid conflict with underground utilities
(e.g. extend no deeper than six inches)

4. Permitting Process

The Village should provide a standalone, simple permit process for planting of shrubs, ground cover, and plants in the parkway. The permit application would be processed by Village staff.

5. Plant height

Limit total height of shrubs, ground cover, and plants where necessary to maintain safe sight lines.

While 30 inches is the typical restriction to avoid visual obstruction for motorists, cyclists or pedestrians, a principle-based expression allows staff to make exceptions in unusual situations.

6. Right-of-way Definition

Ensure that the definition of Village owned right of way is clear with respect to parkways.

The December 2020 suggested changes that define right of way were difficult to understand with regard to parkways. A clearer definition might reduce any misunderstanding about the implications of ownership.

7. Cultivated Flowers and Gardens

Cultivated flowers and gardens should continue to be allowable as plantings. As currently defined in Village Code section 15.08, cultivated flowers and gardens are considered non-weeds. Thus, they are excluded from the requirement in section 8.20 requirement for an 8-inch height restriction.

ATTACHMENT 2

EFC Principle Based Recommendation for Village Council

- 1) The EFC concurs with all of Saunder's recommendation for changes to the code (in Saunders Dec 2020 slide pack repeated below)

It is unlawful to construct any ~~building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing~~ structure or portion thereof which encroaches on any public street ~~or sidewalk or right-of-way*~~ in the Village. Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

(*) see item 6 below

Additional guidance

- 2) Include examples of preferred plantings of shrubs, ground cover, and plants
 - a. Evans-Kunkle summary is presented as an initial and unfinished recommendation
 - b. Principle-based guidelines as follows

Recommended shrubs, ground cover and plants should be sustainable and improve storm water management. They include but are not limited to those that

 - i. are native, drought resistant to decrease use of water and fertilizers
 - ii. attract pollinators and butterflies to increase biodiversity
 - iii. require less maintenance and thus are more naturally sustainable
 - iv. are perennial to reduce the CO2 producing efforts needed to replant and weed annually

Staff to give a few included but not limited to examples in above categories
Permit applicants to specify which sustainable objectives are being met by their choices
- 3) Rain garden grading should be sufficient to maintain safety for pedestrian traffic and consistent with drainage requirements.

Comment: The EFC felt that most parkways were too small for bioswales, as a bioswale connotes some form of channeled conveyance.
- 4) Provide a separate simple permit process for planting of shrubs, ground cover and plants in parkways. See Evanston and Seattle for simple permit and process. Staff to produce final design

Comment: One member of audience felt that exclusion of structures was arbitrary. Application can still be made, but not with the proposed simple process. The more complex process would have to be employed as it is too difficult to predefine what "structure" means. As in other municipalities, construction of a structure would involve indemnification of Village with resident or 3rd party construction on Village property.
- 5) Limit total height of shrubs, ground cover, and plants where necessary to maintain safe sight lines
- 6) Ensure that the definition of Village owned right of way is clear.

Comment: The EFC found the Dec 2020 suggested changes that define right of way to be difficult to understand with regard to parkways.

- 7) Cultivated flowers and Gardens as defined in 15.08 exclusions are non-weeds. Thus they are excluded from Code 8-20's requirement for 8 inch height restriction. Milkweed was defined as a non-weed in a 2002 Ordinance amendment.

The EFC gathered considerable information to reach these recommendations. These additional materials have been transmitted to staff for their use to produce the final simple permit form and examples. These documents contain details for staff consideration to meet the principle-based guidance. For instance, the general total height restriction is 30 inches. The EFC felt that there may be instances where taller plants could be allowed.

Winnetka:

Staff: summary of permit background

Source Dec. 8, VC study session; Parkway Planting Permit review

It has become apparent that additional clarity and guidance are needed in both the Village Code and the permit application materials for planting in public rights-of-way. Staff recommends the following changes to Section 12.04.040 (Encroachments) of the Village Code:

Proposed Language (markup):

1a)

It is unlawful to construct any ~~building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing structure or portion thereof~~ which encroaches on any public street ~~or sidewalk or right-of-way~~ in the Village. 1b) ~~Rights of way include~~ ~~platted streets, sidewalks and land between.~~ Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Elements of Parkway Planting Policy

The Village Code provides the Director of Public Works with a significant amount of discretion in evaluating and approving permits for planting in parkways. This discretion is important because there are a wide variety of conditions present on Village parkways that affect the feasibility and appropriateness of plantings. Some of the conditions that affect planting types include:

- Presence or absence of sidewalk and/or curb
- Proximity to an intersection
- Slope and elevation of parkway
- Width of parkway
- Presence or absence of existing trees
- Location of adjacent driveways
- Volume and speed of traffic
- Presence or absence of existing or planned overhead and underground utilities
- Character of adjacent land use (residential, multi-family, institutional, etc.)

While these varied conditions prevent a “one size fits all” approach, staff will update the permit form to provide additional clarity and guidance including:

- 2) A list of preferred tree and plant species will be included with the planting application, as well as a list of prohibited invasive species
- 3) Because green technologies are a part of the Village’s ongoing stormwater quality management efforts, guidance on constructing and maintaining rain gardens and bioswales – to be researched and developed by the Winnetka Environmental and Forestry Commission – will be included as part of the permit application

- 4) The permit application will be clarified to indicate that no structures, planters, boulders, fences, etc. are permitted in public rights-of-way
- 5) Guidance for height and location of plantings with respect to intersection and driveway sight distance, trees, utilities, and setbacks from curbs and sidewalks will be provided in the permit application
- A disclaimer statement will be included indicating that maintenance responsibility (except for trimming of trees) lies with the adjacent property owner, that the Village may revoke permission if the plantings are not properly maintained, and that the installation may be removed to allow construction of utility projects and Village infrastructure projects

Recommendation

1. Staff is seeking concurrence from the Village Council to prepare an ordinance that would modify Section 12.04.040 (Encroachments) as described above;
2. Staff is seeking concurrence to clarify the application and approval documents for plantings in the public right-of-way as outlined above; and
3. Staff recommends that the Village Council direct the Winnetka Environmental & Forestry Commission to research and develop guidance on planting rain gardens and bioswales in the Village's rights-of-way.

Source of Permit Information

Winnetka Website=> Residents=> Community Development=> Building Permits and Construction=>

ATTACHMENT 3

WINNETKA ENVIRONMENTAL AND FORESTRY COMMISSION REGULAR MEETING MINUTES April 14, 2021

A record of a legally convened meeting of the Environmental and Forestry Commission of the Village of Winnetka, which was held virtually via Zoom, Wednesday, April 14, 2021, at 7:00 p.m.

Call to Order:

Chairperson Dowding called the meeting to order at 7:03 p.m.; Voting Members present: Chairperson Chuck Dowding, Commissioners Chris Foley, David Varca, Rosann Park-Jones, Ted Wynnychenko, Liz Kunkle and Barry Sylvester. A quorum of presently appointed members was present. Village Council Representative absent: Jack Coladarci. Student Representatives present Marcus Buccellato and Scarlett Harper. Staff Representatives present: Andrew Lueck, Village Forester. Public present: One member of the public was present.

1) Introduction & Chair's Remarks:

Chairperson Dowding called the meeting to order at 7:03 p.m. and welcomed all Commission members and the public. Staff Representative Lueck took roll call for attendance.

Oral Declaration Regarding In-Person Meetings

Chairman Dowding stated pursuant to recently adopted amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may, in certain circumstances, hold entirely virtual public meetings without a quorum physically present in any one location. On March 17, 2020, President Rintz issued a Declaration of Emergency pursuant to the authority granted by the Village Code, the Illinois Municipal Code, and the Illinois Emergency Management Agency Act to address the health threat posed by the COVID-19 pandemic. On May 29, 2020, Governor Pritzker issued a Disaster Proclamation that declared in-person attendance at public meetings of more than ten people at the regular public meeting location to be infeasible, in accordance the Open Meetings Act, as amended by Public Act. 101-0640. On June 16, 2020, Village President Rintz executed a written determination that given the on-going emergency associated with the COVID-19 pandemic, in-person meetings of the Village's Village Council are not practical or prudent at this time and until further notice. In accordance with the Governor's Disaster Proclamation and the Village President's Declaration of Emergency and Determination regarding meetings of the Village Council, I, as Chair of the Environmental & Forestry Commission hereby determine that in-person meetings of the Environmental & Forestry Commission are not practical or prudent at this time and until further notice.

2) Public Comment:

One member of the public was present. The member inquired about the general accomplishments of the Environmental & Forestry Commission over time. Chairperson Dowding remarked on the success of the Commission in meeting achievements under the Green Region Compact 2, as well as helping to pass various ordinances. Commissioner Kunkle remarked on the success of getting Winnetka youth more involved in environmental initiatives.

3) **Review and Approval of Minutes:**

a) **Approval of the March 10, 2021 Regular Meeting Minutes**

Chairperson Dowding asked for a motion to approve the March 10, 2021 minutes. The motion was moved by Commissioner Wynnychenko and seconded by Commissioner Park-Jones.

AYES: FOLEY, SYLVESTER VARCA, PARK-JONES, WYNNYCHENKO,
KUNKLE
ABSENT: NONE
NAYS: NONE

4) **New Business, Old Business/Updates:**

Parkway Usage: Summary for Village Council

Chairperson Dowding explained that there are seven items (attached) to be discussed regarding the Commission's recommendations to Village Council regarding parkway usage.

Commissioner Kunkle inquired about when the EFC would be required to present findings to the Village Council. She stated that there should be no urgency to present to the Council before further consensus by the EFC, and that certain elements of the EFC's recommendations need further revising and updating.

Chairperson Dowding stated that he understands Commissioner Kunkle's concerns but that the Commission should move forward at a high level rather than at specific issue level. Staff Representative Lueck clarified that the Council is expecting to hear from the Commission on parkway permitting issues at a scheduled May 11, 2021 study session.

Commissioner Wynnychenko inquired about information on the approval various structures in the Village. Chairperson Dowding remarked that the information would be covered as part of the information to be discussed throughout the meeting.

Discussion of item number seven

Chairperson Dowding discussed number seven, and whether or not the requirement to cut weeds at eight inches is reasonable. Student Representative Harper inquired as to whether or not milkweed would be considered a weed, and Chairperson Dowding clarified that milkweed is defined by ordinance as a non-weed.

Commissioner Park-Jones introduced a motion to accept the language in item number seven. The motion was seconded by Wynnychenko

AYES: FOLEY, SYLVESTER, VARCA, PARK-JONES, WYNNYCHENKO,
KUNKLE,
ABSENT: NONE
NAYS: NONE

Discussion of item number six

Chairperson Dowding stated that there should be more specific examples included of what defines a right-of-way, as some homeowners may be confused as to the definition and a clearer definition might help eliminate confusion about land ownership.

Commissioner Wynnychenko stated that the ordinance clearly states that structures cannot be built in a right of way, so further definitions may not be necessary.

Commissioner Foley suggested commenting to Village Council that the definition of right of way be clearly defined.

Chairperson Dowding suggested the wording of item six should read “ensure that the definition of Village-owned right of way is clear.”

Commissioner Foley introduced a motion to accept the amended language of item number six. The motion was seconded by Commissioner Wynnychenko.

AYES: FOLEY, SYLVESTER, VARCA, PARK-JONES, WYNNYCHENKO,
KUNKLE
ABSENT: NONE
NAYS: NONE

Discussion of item number five

Chairperson Dowding explained that the maximum vegetation height of 30 inches detailed in item five is what has been seen most often in codes that have been researched by the Commission.

Student Representative Harper inquired as to the reasoning for the 30-inch height limit, and Chairperson Dowding explained that it is a safety factor to ensure proper sightlines for drivers and pedestrians.

Commissioner Wynnychenko stated it would be beneficial for the Village to have a more general permitting process that is less prescriptive and would allow Village staff to use discretion in approval.

Chairperson Dowding suggested updating the wording of item number five to “Limit total height of plants where necessary for sightlines and safety” in order to make it less prescriptive.

Commissioner Wynnychenko introduced a motion to accept the amended language of item number five. The motion was seconded by Commissioner Park-Jones

AYES: FOLEY, SYLVESTER, VARCA, PARK-JONES, WYNNYCHENKO,
KUNKLE
ABSENT: NONE
NAYS: NONE

Discussion of item number three

Chairperson Dowding explained that previous discussions led to the thought that the term “bioswale” should be replaced with “rain garden” for parkway purposes.” Commissioner Foley inquired as to whether or not Village regulations are specific in regards to grading. Staff Representative Lueck explained that property owners cannot change the grade of their property in a way that increases runoff to other properties.

Commissioner Wynnychenko suggested that wording regarding rain gardens should read “rain garden grading to be sufficient to maintain safe pedestrian traffic consistent with Village ordinances with respect to grading.” Chairperson Dowding explained that wording regarding calling JULIE would be removed from the item.

Commissioner Foley introduced a motion to accept the amended language of item number three. The motion was seconded by Commissioner Sylvester.

AYES: FOLEY, SYLVESTER, VARCA, PARK-JONES, WYNNYCHENKO,
KUNKLE
ABSENT: NONE
NAYS: NONE

Discussion of item number two

Chairperson Dowding suggested that the Commission present a principle-based approach to suggesting acceptable plants, and applicants could then detail how their suggested plantings meet any or all of the principles. There are five principles included in the draft language of item number two.

Commissioner Park-Jones suggested including the Evans-Kunkle summary of suggested plants to give examples of plants to meet the principles.

A member of the public suggested that detailing principles for applicants to meet is a good first step, and that including an example plant list would also be helpful.

Commissioner Varca inquired about whether or not vegetables would be appropriate for parkways if they are likely to rot or attract animals that could be a safety issue.

A member of the public stated that the better use of parkway space is at the heart of the parkway issue and that there are complications with all potential parkway usage examples.

Commissioner Kunkle suggested the best way to think about parkways is how they can be utilized for their best value, including for regulation of stormwater. She stated that the Commission's guidance to Village Council should include the idea that turf grass is likely not the best use for a parkway, and that alternative planting would be more useful.

Chairperson Dowding suggested changing the introductory wording to the guidelines to read "Recommend ground cover, plants and vegetables that are more sustainable and improve stormwater management including but not limited to..."

Commissioner Foley inquired about the reasoning of principle number five, and it was explained by Commissioner Kunkle and Chairperson Dowding that perennials reduce the resources and emissions used when planting annuals every year.

Commissioner Varca introduced a motion to accept the wording of item number two without including the word "vegetables", along with removing principle number three regarding edible plants.

A motion was introduced by Commissioner Varca to accept the amended language of item number two. The motion was seconded Commissioner Kunkle.

AYES: FOLEY, SYLVESTER, VARCA, PARK-JONES,
WYNNYCHENKO
KUNKLE
ABSENT: NONE
NAYS: NONE

Commissioner Park-Jones suggested that some vegetables could be included, mainly leafy greens that do not attract animals or cause a potential issue with rot. Commissioner Kunkle stated that any vegetables that are allowed for planting should adhere to other principles for plantings in the parkway. Chairperson Dowding suggested that the meeting minutes include the discussion that the Evans-Kunkle summary should include vegetables.

Parkway structure discussion

Chairperson Dowding explained that the code update recommendations detail that it is unlawful to construct any structure or portion thereof which encroaches on any public street without a permit.

Commissioner Wynnychenko asked about several areas where construction has taken place in the parkway, including pavement being placed in the parkway to serve as parking spaces and how those uses came about. Staff Representative Lueck explained that these parking areas were previously allowed by the Village, but that it is Village staff policy to no longer allow parking cutouts to be built. It is also policy that the cutouts would be eliminated when the adjacent residence is redeveloped.

Discussion of item number four

Chairperson Dowding explained that there are two methods by which people can request that a structure be built in the parkway - a long form, which is followed by commercial interests and a short form employed by several other municipalities. He explained that any person can request a structure be built in the parkway following the long form permit process similar to the Highland Park example, but that it is the Commission's charge to develop a shorter form for people to plant items other than turf grass in the parkway without structures.

Commissioners Varca and Foley both stated they are in favor of developing a system that is as easy as possible for residents and Village staff.

A motion was introduced by Commissioner Varca to accept the amended language of item number four, including substituting the words "flowers and vegetables" with the word "plants." The motion was seconded by Commissioner Foley.

AYES: FOLEY, SYLVESTER, VARCA, PARK-JONES, KUNKLE
ABSENT: WYNNYCHENKO
NAYS: NONE

Discussion of item number one

Chairperson Dowding discussed the approval of changes to proposed language relating to item number one (in red, attached).

Commissioner Varca inquired as to why language referencing sidewalks was struck from proposed language. Chairperson Dowding suggested that Village staff ensure that language on the definition of the right of way is clear to applicants.

Chairperson Dowding suggested that an asterisk be placed by right of way, pointing to item six for discussion that identifies the necessity to ensure that definition right of way is clear.

A motion was introduced by Commissioner Varca to accept the amended language in red. The motion was seconded by Commissioner Foley.

AYES: FOLEY, SYLVESTER, VARCA, PARK-JONES, KUNKLE
ABSENT: WYNNYCHENKO
NAYS: NONE

5) Communications:

a) Approval of May Communication Items

The Commission reviewed the May Communication Items which included Green Awards, Stormwater and Recycling. Chairperson stated that he would develop information on the Green Awards for the Village newsletter. Student Representative Harper mentioned an item she drafted on the North Shore Mosquito Abatement District to include. Chairperson Dowding suggested replacing a Pesticide Alternative item with information on the Mosquito Abatement District. Chairperson Dowding asked for a motion to approve the May Communications Items which was moved by Commissioner Park-Jones and seconded by Chairperson Foley.

AYES: FOLEY, VARCA, PARK-JONES, KUNKLE
ABSENT: FOLEY, SYLVESTER, WYNNYCHENKO
NAYS: NONE

6) **Commission/Staff Reports:** None.

7) **Open Forum:**

Student Representative Harper gave an update on pyrethoid pesticide legislation she has been working on, stating that it has been passed out of committee. The legislation now has twelve cosponsors, but there are groups who oppose the legislation. It is hopeful that the bill would be in the House by the end of the week of April 19th, at which point it would be helpful to reach out to Senate co-sponsors upon passing.

8) **Adjournment:**

There being no further business, Chairperson Dowding asked for a motion to adjourn which was moved by Commissioner Kunkle and seconded by Commissioner Park Jones. The motion passed; the meeting adjourned at 9:34 pm.

AYES:	FOLEY, PARK-JONES, KUNKLE, VARCA
ABSENT:	SYLVESTER, WYNNYCHENKO
NAYS:	NONE

Winnetka Environmental and Forestry Commission Village of Winnetka Parkway Uses and Plantings Discussions April 2021

The Environmental and Forestry Commission (EFC) has been tasked with preparing recommendations to the Village Council (VC) regarding Village Parkway Plantings that will yield positive benefits for the Village while maintaining consistency with neighborhood aesthetics and not interfering with Village utilities, snow removal, or pedestrian, biker, or motor vehicle safety. The EFC/VC recognizes Parkways are part of the solution to flooding, declining biodiversity, tree stress, and climate change. Parkway plantings are consistent with area Climate Action Plans, which encourage urban canopy and natural areas to shade and cool streets, soak up rainwater, absorb noise, reduce energy use, sequester carbon, filter pollutants from the air and water, ease our stresses, and help us breathe easier.

Native Plants

- are effective for managing stormwater
- have deeper and more extensive root systems that
 - stabilize the soil and increase soil cohesion;
 - increase the absorptive capacity of soil;
 - reduce the impact of rainfall;
 - slow surface runoff;
 - facilitate infiltration of rainwater into the soil; and
 - decrease erosion
- do not require chemical fertilizer, pesticides, or herbicides
- can tolerate some salt
- can grow low (30" - 36")
- are sun/soil adaptable
- provide food and shelter for birds and beneficial insects
- contribute to biodiversity
- help sequester carbon
- are beautiful

Prairie Plants for Full Sun (sunny spots in yard or no parkway trees)

- Blazing Star
- Mountain Mint
- Thimble Anemone
- Wild Bergamot

Marsh Plants for Full or Part Sun (for parts of the yard that get at least half a day of sun and/or a parkway tree does not shade the entire area)

- Blue Flag Iris
- Great Blue Lobelia
- Marsh Marigold
- Purple Cress

Woodland Plants for Mostly Shady Areas (for areas with parkway trees with low/large/dense canopies; these need at least a few hours of sun but like shade, especially in the afternoon)

- Early Meadow Rue
- Jacob's Ladder
- Starry Campion
- Zig Zag Goldenrod

Winnetka Environmental and Forestry Commission
Village of Winnetka Parkway Uses and Plantings Discussions
April 2021

Rain Garden considerations

- Designed to clean and process water as well as redirect it
- Bottom typically planted with sedges, rushes, and water-loving plants
- Sloping sides, which tend to be drier longer, have native shrubs or trees and low-growing grasses

Miscellaneous considerations

- Consider the best, highest-value use of the Parkways, which are uniquely valuable as part of stormwater management
 - From this perspective, turf grass is perhaps the lowest value use of a Parkway
- Non-flowering options could include groundcovers, shrubs, sedges, grasses, and/or vegetables
- Consider requiring finished compost be used in Parkway Plantings
- Include non-native and non-invasive plants in any final list of suggested or recommended plants, as the goal is not to discourage these types of plants, but to encourage the addition of native plants.
- Education will be key
 - There will be some maintenance, particularly in the beginning, but over time there will be less maintenance than with traditional turf grass.
 - There are different aspects of “pollinator-friendly,” e.g., some plants attract pollinators (like bee balm), while some provide habitat for everything, including other plants, and they contribute to soil structure in ways turf grass does not.
 - When planting under a tree, plant away from the trunk and plan for the spread so that foliage doesn’t abut the trunk and create a possible environment that would contribute to disease to the tree (bark that remains constantly damp can become weak over time).

Let’s maximize the value of, reclaim this forgotten territory, and create some native habitat with intentional Parkway Uses and Plantings that will absorb and filter rainwater, cool ground temperatures, support pollinators, and bring a smile to passersby.

Sources:

- https://www.chicago.gov/dam/city/depts/cdot/SustainableBackyards/NativePlantsRebate_English811.pdf
- <https://www.asla.org/nativeplantssavemoney.aspx#:~:text=Native%20plants%20help%20the%20environment.&text=They%20require%20much%20less%20watering,for%20mowers%20and%20other%20equipment.>
- http://www.midwestgroundcovers.com/page/Salt_Tolerant_List
- http://www.wildonesrrvc.org/Documents/Misc/Salt_Tolerant_Natives.pdf
- <https://www.thespruce.com/how-to-make-a-lasagna-garden-2539877>
- <https://www.noble.org/news/publications/ag-news-and-views/2018/june/why-roots-matter-to-soil-plants-and-you/>
- <https://westcook.wildones.org/>
- <http://www.sustainedgewater.org/native-plants.html>

ATTACHMENT 5

	Agenda Item Executive Summary	
	Title: Parkway Planting Permit review	
	Presenter: Steven M. Saunders, Director of Public Works	
Agenda Date: 12/08/2020		
Consent: ☐ YES ☒ NO		☐ Ordinance ☐ Resolution ☐ Bid Authorization/Award ☒ Policy Direction ☐ Informational Only
Item History: This summer, a Village resident installed a raised planter garden in the public parkway (the strip of grass between the sidewalk and the street) adjacent to their property. The Village Code, Section 12.28.010, requires permission from the Village for planting on Village parkways. The Village Code also prohibits structural encroachments in Village rights-of-way, in Section 12.04.040. This planter garden was constructed without a planting permit from the Village. After several communications between Village staff and the resident, it has become apparent that additional clarity and guidance are needed in both the Village Code and the permit application materials for planting in public rights-of-way.		
Executive Summary: The attached Memorandum contains suggested modifications to Village Code Section 12.04.040 - Encroachments, to clarify the prohibition on constructing structures and encroaching into public rights-of-way. The Memorandum also contains suggested clarifications to the permit application form to better communicate policy on plantings in Village rights-of-way. Staff will present this item for discussion at the December 8, 2020 Council Study Session.		
Recommendation: 1. Staff is seeking concurrence from the Village Council to prepare an ordinance modifying Section 12.04.040 (Encroachments) as described in the attached Memorandum; 2. Staff is seeking concurrence to clarify the application and approval documents for plantings in the public right-of-way as outlined in the attached Memorandum; and 3. Staff recommends that the Village Council direct the Winnetka Environmental & Forestry Commission to research and develop guidance on planting rain gardens and bioswales in Village rights-of-way.		
Attachments: 1) December 2, 2020 Memorandum: Parkway Planting Permit Review		

MEMORANDUM

TO: VILLAGE COUNCIL

FROM: STEVEN M. SAUNDERS, DIRECTOR OF PUBLIC WORKS

SUBJECT: PARKWAY PLANTING PERMIT REVIEW

DATE: DECEMBER 2, 2020

CC: ROBERT BAHAN, VILLAGE MANAGER

This summer, a Village resident installed a raised planter garden in the public parkway (the strip of grass between the sidewalk and the street) adjacent to their property. The Village Code, Section 12.28.010, requires permission from the Village for planting on Village parkways:

"It is unlawful for any person without a written permit from the Village to injure, trim, treat, plant or remove any tree, shrub, vine or flower in any street, parkway or other public place in the Village, or injure, misuse or remove any device set for the protection of any such tree, shrub, vine or flower. Application for a permit from the Village shall be made in writing to the Director of Public Works or the Director's designee (in this chapter referred to collectively as the "Director"). If in the judgment of the Director the desired work is necessary, beneficial, in compliance with applicable Village standards and regulations, and if the proposed method is such as the Director approves, he or she shall issue a written permit for such work. Such permit shall contain a detailed statement of the nature of the work permitted to be done. Any work done under such written permit must be performed in accordance with the terms of such permit."

The Village Code also prohibits structural encroachments in Village rights-of-way, in Section 12.04.040.

"It is unlawful to construct any building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing which encroaches on any public street or sidewalk in the Village. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances."

This planter garden – photo below – was constructed without a planting permit from the Village.



After several communications between Village staff and the resident, staff issued a citation and initiated enforcement proceedings for violating the Village Code. Since that citation was issued, it has become apparent that additional clarity and guidance are needed in both the Village Code and the permit application materials for planting in public rights-of-way. Staff recommends the following changes to Section 12.04.040 (Encroachments) of the Village Code:

Current Language:

It is unlawful to construct any building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing which encroaches on any public street or sidewalk in the Village. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Proposed Language (markup):

It is unlawful to construct any ~~building, fence, cellar, vault door, coal chute, vent, fill pipe or structure or portion of any of the foregoing~~ structure or portion thereof which encroaches on any public street ~~or sidewalk~~ or right-of-way in the Village. Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are

declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Proposed Language (clean):

It is unlawful to construct any structure or portion thereof which encroaches on any public street or right-of-way in the Village. Structures include, but are not limited to, buildings, fences, vents, fill pipes, retaining walls, raised planter areas, light posts, and gates. All such encroachments, except cellar or vault doors lawfully in existence in 1932, are declared to be nuisances and the Director of Public Works is authorized to abate such nuisances.

Staff does not recommend any changes to Section 12.20.010 of the Village Code.

Elements of Parkway Planting Policy

The Village Code provides the Director of Public Works with a significant amount of discretion in evaluating and approving permits for planting in parkways. This discretion is important because there are a wide variety of conditions present on Village parkways that affect the feasibility and appropriateness of plantings. Some of the conditions that affect planting types include:

- Presence or absence of sidewalk and/or curb
- Proximity to an intersection
- Slope and elevation of parkway
- Width of parkway
- Presence or absence of existing trees
- Location of adjacent driveways
- Volume and speed of traffic
- Presence or absence of existing or planned overhead and underground utilities
- Character of adjacent land use (residential, multi-family, institutional, etc.)

While these varied conditions prevent a “one size fits all” approach, staff will update the permit form to provide additional clarity and guidance including:

- A list of preferred tree and plant species will be included with the planting application, as well as a list of prohibited invasive species
- Because green technologies are a part of the Village’s ongoing stormwater quality management efforts, guidance on constructing and maintaining rain gardens and bioswales – to be researched and developed by the Winnetka Environmental and Forestry Commission – will be included as part of the permit application
- The permit application will be clarified to indicate that no structures, planters, boulders, fences, etc. are permitted in public rights-of-way

- Guidance for height and location of plantings with respect to intersection and driveway sight distance, trees, utilities, and setbacks from curbs and sidewalks will be provided in the permit application
- A disclaimer statement will be included indicating that maintenance responsibility (except for trimming of trees) lies with the adjacent property owner, that the Village may revoke permission if the plantings are not properly maintained, and that the installation may be removed to allow construction of utility projects and Village infrastructure projects

Recommendation

1. Staff is seeking concurrence from the Village Council to prepare an ordinance that would modify Section 12.04.040 (Encroachments) as described above;
2. Staff is seeking concurrence to clarify the application and approval documents for plantings in the public right-of-way as outlined above; and
3. Staff recommends that the Village Council direct the Winnetka Environmental & Forestry Commission to research and develop guidance on planting rain gardens and bioswales in the Village's rights-of-way.