

³ SECTION 25. TREE PRESERVATION AND MANAGEMENT PRACTICES

Subsection 1. Purpose. The City finds it is in the best interest of the public to design subdivisions that preserve trees and minimize tree removal during land development. Through specific design and management practices, the City seeks to protect and preserve wooded areas to the greatest extent possible.

Subsection 2. Scope and Application. A tree preservation goal shall be established for all subdivisions. A tree inventory and preservation plan may be required for submittal and approval by the City depending on overall preservation goals. A tree protection management plan shall be submitted to and approved by the City and implemented for all subdivisions. If no significant trees or woodlands are present on the site, tree preservation goals and plans will not be required.

Subsection 3. Subdivision Approval Requirements.

(A) General Design Standards.

- (1) Incorporate the preservation of trees into the overall design of the plat through the sensitive placement of roads and developed lots.
- (2) Structures, structure pad siting, parking areas and driveways shall be designed to “fit” existing topography and tree cover to the maximum feasible extent.
- (3) The design and location of utilities and installation methods shall preserve trees to the greatest extent practicable.
- (4) Retaining walls shall be used where appropriate to manage grade changes in order to protect trees.
- (5) Shared driveways and other design features shall be explored in order to protect trees.
- (6) Flexibility on street standards and setback requirements shall be explored in order to protect trees.
- (7) Trees shall be preserved in areas of steep slopes and unstable soils as well as in areas needed to protect and preserve existing drainage patterns.

(B) Tree Preservation Goal Setting, Review Process and Submittal Requirements.

- (1) The applicant shall meet with City staff prior to submittal of the concept plan to determine the most feasible and practical placement of buildings, parking, driveways, streets, storage and other physical features, in order that the fewest trees are destroyed or damaged.
- (2) During the concept design and review phase, goals for the preservation of trees shall be determined by the Planning Commission and City Council based on the general quantity, quality and location of trees. A sixty (60) to seventy (70) percent goal for the preservation of canopy cover in the plat will typically be considered, however a

higher or lower percentage may be set depending on the topography, soils and drainage patterns. Total canopy cover will be determined using aerial photography. Proposed grading limits shall be overlaid on the aerial photo. Canopy cover within the grading limits is assumed to be removed and canopy cover outside of the grading limits is assumed to be preserved. Percentage of cover removed and saved shall be submitted for concept review. Achievement of the tree preservation goal will be evaluated as part of preliminary plat approval.

(3) Tree Inventory and Preservation Plan.

- (a) For concepts not meeting the preservation goal determined for the plat, a Tree Inventory and Preservation Plan shall be required for all areas within the grading limits of the plan and submitted as part of the preliminary plat submittal requirements. The inventory shall be completed for all trees over four (4) inches DBH (diameter at breast height as measured at fifty-four (54) inches above the ground). The purpose of the tree inventory is to assess the impact on trees and guide the development of a preservation plan through alternative designs that will achieve the overall preservation goal determined for the plat.
- (b) Based on the tree inventory, lots with 10 or more trees over four (4) inches (DBH) shall be designated as custom graded lots in the preservation plan, unless exempted by the City. Such lots shall not be included in mass grading at time of street and utility installation. The siting of structures and grading plans for each custom graded lot shall be reviewed and approved as part of the building permit approval process.
- (c) The Tree Inventory and Preservation Plan shall be submitted by a forester or landscape architect retained by the applicant and shall consist of the following items:
 - i. Location of all trees within the grading limits on the property being platted with an ID number that corresponds to the inventory.
 - ii. Tree inventory that includes the size (DBH), species, and ID number of all trees within the grading limits.
 - iii. Areas of mass grading.
 - iv. Designated lots to be custom graded at time of building permit application.
 - v. Trees proposed to be saved and trees proposed to be removed.
 - vi. Tree protection zones located within the drip line around trees to be saved.
- (d) The tree inventory and preservation plan will be evaluated as part of the preliminary plat review process for conformance to the tree preservation goal established by the City in the Concept Plan phase.

- (C) Tree Protection Management Practices. All subdivisions must comply with the following Tree Protection Management Practices unless exempted by the City. Such practices shall implement any tree preservation plan approved by the City as part of the preliminary plat approval process.
- (1) Tree removal procedures including directional felling away from existing trees to be saved and trenching to separate root systems prior to bulldozing trees or stumps.
 - (2) Installation of signage at all tree protection areas that instructs workers to stay out.
 - (3) Installation of fencing or safety netting to designate the tree protection zone for all tree to be preserved as identified in the Tree Preservation Plan (if required) or as determined by the tree preservation goal determined at concept phase. (The safety netting shall be located at the drip line around all trees to be saved for all trees in the area being platted. The City must approve the location of all safety netting.
 - (4) Designation of a construction staging area along with a designated area for the storage of equipment and stockpiling of materials that is not within tree protection zone or buffer areas.
 - (5) Construction access locations that minimize impact on tree preservation.
 - (6) No grading permit will be approved nor soil disturbance occur within the subdivision until the development agreement is approved, and tree protection management practices are in place on site.
 - (7) Fill shall not be placed against tree trunks, within the drip line, or in critical root zones of trees to be saved.
 - (8) Pruning of oak trees shall not take place from April 1st through October. If wounding of oak trees occurs, a non-toxic tree wound dressing must be applied immediately. Excavators shall have a non-toxic tree wound dressing with them at the work site.
 - (9) Tree protection measures shall remain in place until all grading and construction is completed.
 - (10) Creation of a temporary access road. When temporary site access through a significant tree stand or a critical root zone of a significant tree to be saved is necessary, it shall meet the following standards:
 - (a) The temporary access road shall be routed in a manner that is least disruptive to the significant tree stand per the approval of the Zoning Administrator.
 - (b) Temporary access roads shall not exceed twenty-five (25) feet in width and shall be delineated by snow fencing or safety fencing.

- (c) An eight (8) inch deep cover of wood chip mulch shall be placed over the temporary access road to cushion the critical root zones from compaction.
 - (d) The temporary access road shall be removed as soon as other access routes become available.
- (D) Certification of Tree Protection Management Plan Implementation. After mass grading has been completed and streets and utilities installed, the subdivider's forester or landscape architect shall:
 - (1) Certify in writing to the City the status of all trees to be saved or removed as stated in the approved Tree Protection Management plan.
 - (2) Certify in writing to the City that all tree protection measures were installed.
- (E) Financial Security. The developer shall provide a financial guarantee acceptable to the City as part of the development agreement to guarantee the preparation and implementation of the Tree Protection Management Plan and the replacement of all trees which were to be saved but were actually destroyed or damaged. The financial security shall be in an amount as determined by the City. The financial security will be released upon approval by the City, following, certification in writing by the forester or landscape architect indicating that the tree protection management practices were installed on mass graded lots and any tree replacement is completed.

Subsection 4. Custom Graded Lots/Home Builder Requirements.

- (A) Submittal Requirements. Home builders shall furnish the following items for tree preservation at the time the building permit application is submitted for all lots designated as custom graded lots on the subdivision Tree Preservation Plan (if required).
 - (1) A proposed lot grading/tree preservation plan. The tree inventory created by the subdivider shall be used as the base for the lot grading/tree preservation plan. The home builder shall meet with City staff to review the proposed plan to determine the placement of the home where the fewest trees would be destroyed or damaged. The individual lot tree preservation/grading plan shall be approved by City staff prior to issuance of a building permit. Site grading for individual lots shall be consistent with the final grading plan of the plat
 - (2) A tree protection management plan consistent with the requirements of Section 25, Subsection 3.C of this Ordinance.
 - (3) A financial security acceptable to the City in the amount of \$350 per tree designated to be saved. Builders shall be liable for their subcontractors that destroy or damage trees that were indicated to be saved on the individual lot tree preservation plan.
- (B) Certification of Plan Implementation.
 - (1) The Building Inspector shall monitor the tree protection management practices at the time of routine inspections.

- (2) Prior to the issuance of a certificate of occupancy and release of tree preservation security, the building inspector shall certify in writing the final disposition of saved trees on the lot and that all the tree protection measures identified on the tree preservation plan were installed from the start of construction to the end of construction and tree replacement is completed, if necessary.
- (3) If tree replacement is required on the individual lot because the builder destroyed or damaged a tree which was to be saved, the building inspector in conjunction with the property owner/builder shall determine where the replacement tree shall be installed. Tree replacement shall be consistent with Section 25, Subsection 5 of this Ordinance.

Subsection 5. Tree Replacement.

- (A) Subdividers and/or home builders shall be required to replace trees which were indicated on the tree protection management plan to be saved but ultimately were destroyed or damaged. The subdivider and home builder shall be required to replace each tree destroyed or damaged with two (2) replacement trees.
- (B) Replacement trees may consist of existing trees moved from a tree removal zone or nursery stock and be a species similar to the trees which were destroyed or damaged, and be approved by the City. All replacement trees shall meet the following size requirements:
 - (1) Deciduous Trees: No less than two and one-half (2.5) inches in diameter (DBH).
 - (2) Coniferous Trees: No less than six (6) feet high.
- (C) Replacement trees shall not be placed on easements or street rights-of-way. The Zoning Administrator shall determine the locations of tree replacement for subdivider's tree plans.
- (D) Any replacement tree which is not alive or healthy, as determined by the Zoning Administrator, or which subsequently dies within one (1) year after the date of planting, shall be removed by the developer/builder and replaced with a new healthy tree meeting the same minimum size requirements within eight (8) months of removal.

Subsection 6 Compliance with Plan. The applicant shall implement the tree preservation and tree protection management plans prior to and during any construction. The tree protection practices of the plan shall remain in place until all grading and construction activity is terminated, and a release approved by the City. The City shall have the right to inspect the development and/or building site in order to determine compliance with the approved tree preservation and protection management plan. The City shall determine whether compliance with these plans have been achieved.