

PAB Members,

The code language below is a combination of existing sections (15.01.725(A&B)), a staff re-drafted section on tree protection taken largely from the Tree Committee's draft (15.01.730) and a section in raw form from the Tree Committee. The latter section was left "as is" because it may useful for the whole Board to discuss approaches to enforcement and penalties. There are some complicated issues here – tree valuation, performance bonds and financial penalties – so we want to get some direction from the Board before moving forward. From this discussion, the staff can prepare a draft for consideration at the next meeting.

Looking forward to a good discussion.

Larry

Section 15.01.725 Land clearing. –Intent

(A) Intent. It is the desire of the City to preserve and enhance the physical and aesthetic character of the community, to promote land development practices that minimize disturbance to vegetation and soils, minimize surface water and ground water runoff and diversion, prevent erosion, and reduce risk of slides. (Ord. 743, 1997)

(B) Requirements. Commencing with the effective date of this code section, no person shall clear more than twenty (20) percent of a parcel of land that is more than 15,000 square feet in area without first obtaining approval of a land clearing permit, unless the clearing is part of a development action or permit as set forth in 15.28.030, or consistent with an approved plat. (Ord. 743, 1997)

Section 15.01.730 Requirements-Tree Protection During Construction.

(A) Intent. It is the desire of the City to protect trees designated for preservation during construction projects.

(B) Applicability. The standards in this section shall apply for any construction project where one or more trees or a group of trees have been designated for preservation, including such trees located within the public right of way adjacent to the project site.

(C) Tree Protection Plan. For all applicable projects, the applicant is required to prepare a tree protection plan that maps all trees or groups of trees designated for preservation, the drip line for individual trees and/or groups of trees, the building footprint for all proposed structures, all proposed impervious surfaces and existing and proposed overhead and underground utilities (including irrigation systems).

(D) Tree Valuation. Each tree designated for preservation shall be assigned a monetary valuation based upon standards available from national arborist associations, such as the ISA Council of Tree and Landscape Appraisers (CTLA).

(D) Protective Fencing. To protect trees during construction, the developer must install and maintain throughout the life of the development a temporary chain link or durable plastic net fence over an area 1.5 times the radius of the average drip line of the

individual or group of trees to be protected. No filling, excavation, clearing, vehicle or equipment use or storage of construction materials shall be permitted within the areas defined by protective fencing. Permanent retaining walls at the drip line may be used to maintain grade level around individual or stands of protected trees.

(E) Signage on Fence. No fewer than two signs shall be affixed to the protective fence citing this ordinance and penalties for violation. Exact language shall be provided by the Planning Official.

(F) Alternative Methods. Alternative methods of tree protection that provide equal or greater protection than the standards in this section that have been approved by a certified arborist may be used subject to approval by the Planning Official.

XX.040

Implementation of Tree Protection Plans

A. Inspection and financial liabilities for tree damage during construction: city inspection of building sites shall include confirmation that the Tree Preservation Plan is being followed. The developer will be held financially liable for damage to protected trees and tree stands, and be expected to cooperate fully in any mitigation measures deemed necessary to repair such damage.

B. Replacement requirements for significant trees and tree stands: At the discretion of the City's Planning Official, development plans that cause the removal of more than 25% of the tree cover of a site shall be required to include replacement tree plantings, chosen from an approved planting list. New trees shall measure 2 inch caliper if deciduous and 6 feet high if evergreen, at a replacement rate of 2 to 1 for excessive tree removals.

C. Long term follow up and performance bonds: Long term monitoring, maintenance and significant performance bonds shall be made part of any Tree Preservation Plan.

D. Penalties, Appeals, and Dispute Resolution: all regular processes of appeal and dispute resolution apply to Tree Preservation Plans. Similarly, appropriate financial penalties for non-compliance will be established and published in a schedule of penalties, taking into account the monetary value of trees harmed as determined by current standards of the International Society of Arboriculture.

It is the intent of this section to prevent and/or minimize damage to trees and stands of trees during construction projects, and to accomplish this by careful protective plans and agreements, utilizing concurrent inspection and enforcement.

XX.050

Recommended tree protection during private construction

In construction situations that fall below the development size limits specified in Section xx.030 for Tree Preservation Plans, proactive planning for tree protection is strongly recommended. The standards outlined above are of sufficient environmental and economic value to even individual home owners to encourage their adoption in smaller building situations. The City Planning Department and the designated City Forester will be available for consultation and advice on tree canopy preservation, significant tree designation, and appropriate replacement plantings for all such projects, time permitting.