

10.100 In General

Current Article X

Definitions

32 definitions

Purpose

"The process of development...."

"The economic base of the city can and should be protected through the preservation and...."

Seven specific factors are included.

Acceptable Plant Materials

No artificial plant materials for required landscaping; recommendation for use of high-quality, hardy, and drought-tolerant plant materials.

Soil Planting Requirements

Planting area soil depths and dimensions; building official waiver for planting area requirements if a landscape architect certifies dimensions are sufficient to support the healthy plant. Minimum large tree planting requirement is for 25 square feet, or 75 cubic feet.

Protection of Planting Areas

Irrigation Requirements

All screening must be irrigated by an automatic system. Other plants must be located within 100 feet of a 'verifiable water supply.' All systems on a plan and suitable to maintain plant materials in a healthy, growing condition at all times.

Planters Allowed

General Maintenance

Special Exceptions

10.100 In General

Amendment

Note:

10.101 Definitions

66 definitions

10.102 Purpose

"The process of urban growth and development...."

"The economic base of the city can and should be protected through the conservation and...."

Nine specific factors are included: added 'to conserve water' and 'to recognize and conserve the urban forest as part of the city's green infrastructure.'

10.103 Acceptable Plant Materials

No artificial plant materials for required landscaping; maximum of 35% single species on lots over two acres, palm trees not used in required landscaping; invasive plants are prohibited; and list of acceptable plant materials maintained by the director.

10.104 Soil and Planting Area Requirements

Soil area requirements with soil resource plan or assessment with soil quality indicators specified where applicable; planting area soil depths and dimensions; legacy tree soil and area requirements; alternative requirements for urban streetscape environments; building official waiver provisions; distance requirements, including overhead utilities, other trees and structures. Minimum soil area requirement is 160 sf (480 cubic ft) of area with urban streetscape a minimum of 240 cubic ft of soil volume by combined open soil and engineered methods.

The soil resource plan applies to the landscape plan or tree protection plan when planning out a construction site and the tree protection areas. It provides a minimal assessment of probable compacted and good soil areas.

10.105 Protection of Planting Areas

10.106 Irrigation Requirements

Automatic irrigation system is required for non-residential and multifamily development, with exceptions for sites with renovations and additions on lots less than 2 acres where plants must be located within 100 feet 'from an irrigation source with a permanently installed threaded hose connection.' An alternate plan by a professional designer may be accepted by the building official.

Irrigation must comply with requirements of Chapter 54 Irrigation regulations.

10.107 Planters Allowed

10.107.1 Pedestrian Pathways

Must be a minimum of 3 feet to maximum of 15 feet and distinguished from vehicular areas.

Includes pedestrian trails.

10.108 General Maintenance

10.109 Landscape and Tree Manual

A manual will be provided as a technical guide for conserving, protection, maintaining, and establishing landscape and the urban forest of the City.

Includes the approved tree list and lists of best practices for tree maintenance.

10.110 Special Exceptions

Board of Adjustment may grant special exceptions of all of Article X provisions upon specific findings from evidence. The Board considers four specific factors in determining whether to grant a special exceptions, including residential adjacency, topography, landscaping which has no credit given, and the extent of other existing or proposed amenities compensates for the reduction of landscaping.

The amendment separates out the factors in determining whether to grant a special exception for landscaping from factors to be considered for the purpose of tree conservation. The two replacement factors are: 'the ability to plant replacement trees safely on the property,' and 'the extent to which alternative methods of replacement will compensate for a reduction or extended time for tree replacement.'

10.120 Landscaping.

Current Article X

Application of Division

Division exemptions; application trigger; City Council standards for approval of plans.

Artificial Lots

Building sites over two acres may apply an artificial lot which includes the area on which construction work is done and does not exceed 50% of the area of the building site.

Landscape Plan Submission

Submission requirements for a landscape plan to the building official. There is no requirement for a design by a landscape architect or by a person in the landscape business.

Landscape Plan Review

The building official shall review each landscape plan for compliance with 10.125 and 10.126.

Mandatory Landscaping Requirements

(a) Single family and duplex uses. General: standard of 3 trees per lot.

Shared access development: Lots in 'SF districts' have requirements which differ from lots in 'districts other than single family districts.' This standard applies a 20% landscape area requirement and street trees separate from site tree requirements.

(b) Other uses. Lots containing other than single family or duplex uses.

(b)(1) Perimeter landscape buffer strip. A minimum 10 ft. wide buffer is mandatory for residential adjacency. It must have a plant group of 1:50 ft of frontage.

(b)(2) Screening of off-street loading spaces

(b)(3) Site trees. Trees are required at 1:4000 sf of area, or 1:6000 sf for industrial uses in IM and IR districts. Existing healthy trees qualify as multiple site trees.

(b)(4) Street trees. A large tree is provided for each 50 ft of frontage with a minimum of two provided. The trees must be located within 30 feet of the projected street curb and may be located in the right-of-way with licensing.

(b)(5) Parking lot trees. All required parking spaces must be within 120 ft of a large canopy tree. Other parking spaces must be within 100 ft of a large canopy tree planted in an area a minimum of 120 sf.

(b)(6) Minimum sizes. A tree measured to 3 inches is minimum standard.

10.120 Landscaping.

Amendment

10.121 Application of Division

Minor adjustments for application excludes pedestrian pathways and adds increasing height of the structure.

10.122 Artificial Lots

Adjustments are made to exclude pedestrian pathways from calculations and to specify when street frontage (and its landscape standards) is required with the artificial lot area.

10.123 Landscape Plan Submission

Submission requirements for a landscape plan is amended to include utility infrastructure and identify transplanted trees. It is noted there are exceptions when a professional designer is required.

10.124 Landscape Plan Review

Same compliance requirements. The building official may approve minor modifications to staff-approved landscape plans which are limited to plant species substitutions, utility conflict modifications, and locations of plants up to 10 feet, while in keeping with the spirit and intent of Article X.

10.125 Mandatory Landscaping Requirements

(a) Single family and duplex uses. General: number of trees required based on size of lot (1 to 3 trees).

Shared access development: The 'SF district' rule is eliminated; a landscape plan submission requirement is applied; the rule for 'districts other than single family districts' is adopted as the standard rule with amendments for a variable landscape area of 10 to 15% of the development, and street trees are included as site trees.

(b) Other uses. Lots containing other than single family or duplex uses.

(b)(2) Residential buffer zone. A minimum average 10 ft. wide buffer is mandatory for residential adjacency.

Average means it may be as minimal as 5 ft but as wide as 30 ft to obtain the average. It must have a plant group of 1:40 ft of frontage.

(b)(4)(A) Screening of off-street loading spaces.

(b)(4)(B) Site trees. Trees are required at 1:4000 sf of area, or 1:6000 sf for industrial and warehouse uses in IM and IR districts. Existing healthy trees qualify as multiple site trees.

(b)(1) Street buffer zone. Much like a residential buffer zone, a landscape buffer strip is required along the street frontage excluding ingress and egress points, and is measured from the property line and not the street curb. The buffer is an average width based on street designation by the thoroughfare plan, including for freeways (15 ft average), arterials and community collectors (10 ft average), and local and residential collectors (7.5 ft average). The buffer may be varied further when designated an urban streetscape, as in mixed use areas. One large or medium tree is required at 1:40 ft, with substitutions for small trees in certain conditions. A buffer zone reduction is allowed for small lots.

(b)(3) Interior zone; Parking lots. Parking lot requirements vary by the size and design of the area. The minimum landscape area is 160 sf with minimum width of 8 ft. Parking lots 21-100 spaces: no space may be farther than 70 ft from the trunk of a large or medium tree. Additional provisions apply for larger parking lots, including landscape areas in islands and medians and 12 spaces allowed between landscape areas. Alternate rules may apply in industrial uses in IM and IR districts.

(C) Minimum sizes. Amended to qualify 2 inches as a minimum standard.

Note:

Lots 7500 sf or greater: 3 new trees; Lots 4001 to 7499 sf: 2 trees; lots 4000 sf or less: 1 tree.

The buffer zone is applied as an average depth similar to how it is measured for the enhanced perimeter buffer design standard in the current ordinance.

The street trees are now measured in the buffer zone from the property line instead of the street curb. The buffer will have a minimum required depth of 5 feet but may vary in depth to create an average.

Parking lots less than 21 spaces have no additional requirement.

(b)(7) Buffer plant materials. Provides requirements for where a fence is required and where a fence is not required.

10.120 Landscaping.

Current Article X

Design Standards

An applicant must comply with at least two of the following design standards. There are presently only 9 options with no variance given to lot size and available space. Partial credits are not given. Design standards are provided to apply additional buffering and enhancement to sites than just trees alone which go to improve aesthetic and economic improvement for the site.

(a) Enhanced perimeter buffers. A required perimeter landscape buffer strip (for residential adjacency) can be enhanced to a minimum average width equal to or greater than 15 feet.

(b) Street buffers. A 10 ft landscape buffer strip may be provided along a street frontage.

(c) Screening of off-street parking. Voluntary screening must extend along the entire frontage of the parking lot, and be measured at 3 ft height at planting.

(d) Enhanced vehicular pavement. An paving system must be at least 25% of all outdoor vehicular pavement area on the lot. Multiple examples of material is given in the ordinance but it is not clear in how to be implemented (such as applying color to the texture).

(e) Permeable vehicular pavement. A paving system must be at least 25% of all outdoor vehicular pavement area on the lot.

(f) Pedestrian facilities. Publicly accessible special pedestrian facilities may be provided and must occupy at least 5% of the lot area.

(g) Foundation planting strip. Large shrubs may be placed along the foundation of the main building. The planting area must be a minimum of three feet wide and extend at least 50% of the portion of the foundation facing the street.

(h) Understory preservation. Existing healthy understory may be preserved and the area must be at least 5% of the lot area.

(i) Enhanced pedestrian walkways. This area must be intended for pedestrian use and occupy at least 5% of the lot area.

(b)(2) Residential buffer zone. (A): The residential buffer zone must include a minimum of one plant group every 40 feet. The list was amended.

10.120 Landscaping.

Amendment

10.126 Design Options

(a) Points required for building site. The minimum number of design option points are required for a building site based on lot size, ranging from 0 points for lots up to 1000 sf to 50 points for lots 50 acres or greater. (b) Points are obtained by meeting design option requirements to achieve the total number of points required for the property. This provides many more options than before. Each zone is credited independently.

(c)(2) Buffer zone enhancements. Maximum of 20 points. Enhancements may be made in 5 ft increments, or in 2 ft increments to allow for small lot adjustments when 5 ft is not available.

Street buffer zone (Mandatory provision). The street buffer zone (10.125(b)(1)) is required at average depth based on street type.

(c)(4) Screening. This is the same standard but applied to multiple and varied options with cumulative points allowed: Option 1: as is in current ordinance and may be without professional design (5 pts); Option 2: enhanced design with professional design with 2+ plant species (10 pts.); Option 3: grouped beds added to options 1 or 2 to complement the screening row with planting beds at intervals (5 pts); Option 4: a short screening wall provided with plant materials (5 pts); Option 5: a berm to complement or replace options 1 or 2 (5 pts).

(c)(7) Pavements. (A) Enhanced vehicular pavement. Points are provided for enhancing texture (3 pts) and color (3 pts) individually. Color must be integrated into the textured pavement.

(c)(7) Pavements. (B) Permeable vehicular pavement (5 pts). Permeable pavement is defined.

(c)(6) Pedestrian uses. Maximum of 25 points. Pedestrian facilities, or amenities, may be provided for public or private access. Points are provided based on accessibility, location, and recreation uses suitable to the type of development. Option 1: Urban streetscape provides optional special street design elements for mixed use type developments (10 pts); Option 2: Special amenities is similar to the current ordinance provision (5 pts for private, 10 pts for public); Option 3: Habitat restoration proximity (10 pts for private, 15 pts for public); Option 4: Athletic fields (10 pts, or 20 pts for areas placed on lots greater than 10 acres).

(c)(5) Building facade. Maximum of 15 points. The planting area is placed along the foundation facing a public street or private driveway. Option 1: the standard design is similar to the current and may be done without professional design (5 pts); Option 2: an enhance design must be by professional design and made to provide depth and provide the designer greater options (10 pts); Option 3: an additional provision of medium or small trees added to Option 2 (5 pts); Option 4: an added tree per 30 feet of facade (5 pts).

(c)(8) Conservation. A conservation program may be applied on the property for an area of at least 5% of the lot and for a maximum of 25 points. Option 1: trees preserved in the development area (2 pts for each tree up to 10 pts, significant trees are 5 pts); Option 2: Habitat preservation and restoration using passive management (no plan is provided) (5 pts); Option 3: Habitat preservation and restoration using a new design or restoration of a site with active management, being implemented by a qualified professional (10 points); Option 4: Habitat preservation and restoration adjacent to sensitive land areas (15 points).

(c)(7)(C) Enhanced pedestrian walkways. Points are provided for enhancing texture (3 pts) and color (3 pts) individually. Color must be integrated into the textured pavement.

(c)(1) Plant material bonus. Points are allowed by adding specific plant types to the landscape design when a particular design option is deficient by five points or less.

(c)(9) Low impact development. Provide stormwater and efficiency standards for a maximum of 20 points through rain gardens, bioswales, or water-wise plant materials and beds.

(c)(10) Parking lots. The most options are included in parking lots for increased landscape area per tree for a maximum of 30 points for development impact areas 10 acres or larger, or 20 points for less than 10 acres. Points are attributed to landscape area in parking islands or medians.

(c)(11) General. Three options include meeting SITES certification, providing a minimum 3-year maintenance plan, or demonstrating a water-wise irrigation system and program.

Note:

The points system was created to maintain the design standards requirement while increasing the options available. Options are graded higher for professional design and increase of permeable landscape area. Some design options are also applicable to SDI/Green Site credits for mitigation reduction.

Points are available with and without professional design. Some options were added to encourage more diversity in planting and design.

Permeable pavement pertains to the type of material and infiltration.

Points are available with and without professional design. Some options were added to encourage more diversity in planting and design.

This provision was expanded to explore alternative methods of conservation or more aggressive restoration projects. Landscape areas are encouraged to help buffer riparian and wooded areas on and off the property.

When short of compliance with required points, additional plantings may be added.

Sustainable Sites Initiative is a tool for innovative sustainable design.

10.120 Landscaping.

Current Article X

When Landscaping Must Be Completed

Enforcement By Building Official

Regulations applying the use of a order to stop work.

10.120 Landscaping.

Amendment

10.127 When Landscaping Must Be Completed

10.128 Enforcement By Building Official

Note:

10.130 Tree Preservation, Removal, and Replacement
Current Article X

Application of Division

The division applies to all property in the city except for 'lots smaller than two acres in size that contain single-family or duplex uses' (any district), and in planned developments 'with tree preservation regulations that vary appreciable from those in this article.'

Tree Removal Applications

A tree removal application or building permit must be posted before removing a protected tree. The application includes vital information including a tree survey of 'all trees on the lot' located within 50 feet of construction. It states 'the building official shall deny a tree removal application if the removal or serious injury is not in the public interest, and based on the fourteen listed factors.'

Reserved

Replacement Of Removed Or Seriously Injured Trees

If the tree removal application or building permit is approved, one or more healthy replacement trees must be planted according to this section. **Quantity:** Trees are replaced at a rate of 1 inch for 1 inch. **Species:** An 'approved replacement trees' list of trees must be used for replacement and with a 30% diversity requirement. **Location:** All trees must be planted on the property or in accordance with 10.135. **Minimum size:** Trees must be at least 2 inches. **Timing:** Trees must be replaced within 30 days, or within six months if approved with an affidavit, or within 18 months with restrictions. A replacement tree which dies within two years of when planted must be replaced.

Alternative Methods Of Compliance With Tree Replacement Requirements

10.130 Urban Forest Conservation

Amendment

Note:

10.131 Application of Division

The exception remains for 'lots smaller than two acres in size that contain single-family or duplex uses' but only in residential districts, or lots in overlay districts or planned developments with varied tree preservation regulations. When a demolition permit is submitted for removal of the structure, the property is considered a vacant property. The property is considered to remain vacant until the demolition permit is closed, or a certificate of completion is approved for a new single family or duplex use.

10.132 Tree Removal Applications

A tree removal application or building permit must be posted before removing a protected tree, and specifically with a demolition permit or grading permit. The application must include the tree survey (or tree sample where applicable) to calculate the diameter inches of trees, or a forest stand delineation to provide additional information to determine the total square footage of forest canopy coverage and forest quality, as approved by the building official.

A forest stand delineation is an assessment of conditions and tree canopy cover over a property using aerial images, surveys, and other methods.

10.133 Historic Trees

A historic tree may be designated on any property with approval of the property owner and by resolution by the City Council.

Historic trees are established on lots with deed restrictions.

10.133.1 Transplanted Trees

Established and healthy protected trees may be transplanted and credited toward mitigation reduction when conducted in accordance with this section. The credit reductions are based on the size of tree to be transplanted due to the difficulty and cost of the operation when conducted appropriately.

Transplanting large trees is a complicated endeavor requiring planning, preparation, and cost.

10.134 Replacement Of Remove Or Seriously Injured Trees

In general. Except as provided in this section, if a tree removal application is approved, a building permit is issued, an unauthorized tree removal occurs, or when a tree is remove from a public right-of-way in conjunction with a private development, trees must be planted according to this section. **If trees are removed in conjunction with a building permit for construction of a single family or duplex use on a lot one acre or less in a residential district (per 10.131), protected trees are not replaced if the tree was located in a 'unrestricted zone.'** **Quantity:** Trees are replaced by the diameter inch according to a classification rate, including Historic Trees, Significant Trees, Class 1, Class 2, and Class 3. **Species:** a larger and more inclusive 'approved tree list' will be approved by the director, and trees replaced with a 35% diversity requirement for lots over 2 acres. **Location:** The trees must be planted on the property, with restrictions. **Minimum size:** Trees must be at least 2 inches. **Timing:** Trees must be replaced within 30 days, or within six months with an affidavit. But, if a building permit for construction is submitted within the six months, tree replacement requirements are transferred to the building permit for completion of the project. Otherwise, the replacement must occur by the end of the seventh month after tree removal application. **Exceptions:** Forest Stand Delineation exceptions apply for 'old-field' sites (10.132) and Institutional and Recreation use sites over 5 acres where the review considers other factors which reduce mitigation requirements. A replacement tree which dies within five years of planting must be replaced.

An unrestricted zone is an area within the lot where trees are excepted from replacement requirements. If removed, historic trees are replaced at a rate of 3:1 ratio per inch, significant trees at 1.5:1, Class 1 at 1:1, Class 2 at 0.7:1, and Class 3 at 0.4:1.

10.135 Alternative Methods Of Compliance With Tree Replacement Requirements

(a) If the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent to plant a replacement tree on the lot, the applicant shall comply with one or more of the following requirements:

10.130 Tree Preservation, Removal, and Replacement

Current Article X

- (1) Donate the replacement tree to the city's park and recreation department (first option).
- (2) Plant the replacement tree on other property in the city that is within one mile of the tree removal property.
- (3) Make a payment into a special city account, to be known as the Reforestation Fund (detailed in Subsection (c)).
- (4) Grant a conservation easement to the city (according to Subsection (d) and conditions: the area must contain protected trees with a combined caliper equal to or exceeding the caliper for which replacement tree credit is being requested. If the area is 25% or less of the area of the tree removal property, the owner may obtain up to a maximum of 50 percent of the inches required; area is more than 25% and less than 50%, the owner may obtain up to 65% of inches required; area is 50% or more, the owner may obtain up to 80% of inches required. The replacement tree inches that cannot be planted on the property, and credited through the easement, must be replaced by other methods such that replacement trees equal the caliper (diameter) of the trees removed.

(b) Use of other property for tree replacement.

(a) Mitigation. If the building official determines that, due to inhospitable soil conditions or inadequate space, it would be impracticable or imprudent to plant a replacement tree on the tree removal property, the applicant shall comply with one or more of the following requirements:

10.130 Urban Forest Conservation

Amendment

Note:

10.135 (cont.)

- (1) Donate the replacement tree to the city's park and recreation department with approval by the director of the park and recreation department.
- (2) Plant the replacment tree on other property in the city that is within five miles of the tree removal property. New provisions make allowance for introduction of a third party manager.
- (3) Make a payment into a special city account, to be known as the Reforestation Fund (detailed in Subsection (g)).
- (4) Grant a conservation easement to the city (according to Subsection (h): area must contain protected trees with a combined diameter equal to or exceeding the diameter for which replacement tree credit is being requested. The area must be a minimum of 20% of the size of the development impact area on the tree removal property and meet design, access, and purpose requirements.

(f) Use of other property for tree replacement.

(b) Mitigation By Legacy Trees. Lots or artificial lots less than 5 acres not using Sustainable Development Incentives (SDI) may attain credit with planting Legacy Trees on the tree removal property in which they shall be credited as 12-inches replacement credit per tree.

A legacy tree is a large or medium tree planted with enhanced practices to establish large shade trees for future generations.

(c) Habitat preservation and restoration areas not applied under SDI may be credited to the tree removal property for a reduction of mitigation for every 1200 sf of habitat preserved not under a tree canopy, for a maximum of 2400 sf, or 5% of canopy cover goal, whichever is greater.

Habitat establishment for wildlife, plant, and insect protection.

(d) Sustainable Development Incentives (SDI).

(1) SDI is applied with minimum requirements: A) a minimum of 2 acres with no residential uses except MF and SAD. B) Forest stand delineation, conceptual landscape plan, and soil resource assessment are required from a landscape architect or consulting arborist, plus additional site conditions for grading and native vegetation, legacy tree planting conditions, consulting arborist requirement, irrigation, and maintenance.

The SDI is for the application of careful planning and design of sustainable landscapes and tree canopy cover areas.

(2) Predevelopment assessment requirements: The tree canopy cover goal in square feet and credit reduction are assessed for the property based on the **street typology** which establishes the canopy cover goal, and the square feet of preserved, legacy, and landscape tree canopy cover for credit. The 'old-field' and transplanted of trees is deducted prior to calculating SDI reductions to determine a base mitigation requirement.

STREET TYPOLOGY: Residential (40%); Mixed Use (35%); Commercial and Freeways (30%); Industrial (25%); and Parkway (45%).

(3) Site development requirements: Sustainable development credits are established by the tree canopy cover credit for preserved, legacy, and landscape tree canopy covers. The base mitigation requirement is reduced by the percentage of cover provided to determine the number of inches of mitigation remaining due. Full mitigation can be achieved by attaining the canopy cover goal.

(4) Green site points requirements: Additional tree mitigation reductions are available through enhanced site planning and design, landscape, and water conservation improvements that directly promote urban forest conservation. These credits, applied as points, are calculated by determining the percentage of tree canopy cover goal or the percentage of existing tree canopy cover compared to the overall building site area before development. The percentage is converted to points at a 1:1 ratio (30% = 30 points). For sites 3 acres or less, the required number of points is determined by the tree canopy cover goal or the tree canopy cover before construction, whichever is greater. For sites over 3 acres, the required number of points is 50 or is determined by the tree canopy cover before construction, whichever is greater. Full mitigation completion is achieved by attaining the all required points.

This process will reduce the required mitigation further, if needed, by crediting landscape and design conditions applied on the property with points and crediting them toward the percentage of canopy cover prior to construction.

(e) Tree canopy cover credit for single family and duplex uses. The alternative mitigation method is applicable to all single family and duplex construction. The residential building site has a 40% canopy cover goal and the canopy cover of the combined preserved and new nursery stock trees may be calculated through a FSD to determine the mitigation reduction.

The tool is applicable to all single family and duplex construction.

10.130 Tree Preservation, Removal, and Replacement

Current Article X

(c) Reforestation Fund. (1) The reforestation fund is used to purchase trees to plant on public property or to acquire conservation easements or wooded property only. (2) The amount of payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Establishing Values of Trees and Other Plants* , unless another publication is designated by the building official. If more than one tree, the values of the trees are added when calculation of the payment required.

(d) Conservation Easement. Conditions are stipulated which authorizes the city manager to accept and approve aa conservation easement. The criteria include approval to form by the city attorney, the area is suitable for conservation purposes, a tree survey, a preservation strategy, and limitations on new construction. The information is general in describing the overall health and condition of the trees and suitability as a wildlife habitat. It may be structured to include a third party for property oversight.

Preservation Of Protected Trees During Construction Or Other Disturbance

Where a property owner plans to retain protected trees on a site to be developed or otherwise disturbed in a manner that may affect protected trees, the standards must be met. (a) Tree Protection Plan. Must be submitted to the building official with a site plan, tree survey, and tree protection measures detailed on a drawing, including tree protection fencing, erosion control, and other provisions to protect the tree. (b) The plan must be fully implemented.

Violation Of This Division

10.130 Urban Forest Conservation

Amendment

Note:

(g) Reforestation Fund. (1) The reforestation fund is used to purchase trees to plant on public property, to create an urban forest master plan and to update it periodically, to fund a staff position for managing and directing the fund for planting and urban forest education, or to acquire conservation easements or wooded property. A minimum of 50% of all funds provided for each fiscal year must be available to planting trees on public property or to acquire conservation easements or wooded property. (2) The amount of the payment required is calculated by using the formula for appraising the value of a tree, as derived from the most recent edition of the *Guide for Plant Appraisal* , unless another publication is designated by the building official. If more than one tree, the values of the trees are added when calculation of the payment is required.

(h) Conservation Easement. Conditions are tightened to include the required metes and bounds description of the property, the submission of baseline documents by a qualified professional to describe the vegetation and conditions of the property, and a description of the extent of invasive and exotic plants on the property.

10.136 Conservation And Maintenance Of Protected Trees During Construction Or Other Disturbance

(a) City property. Trees must be established and maintained in accordance with ANSI A300 and ISA Best Management Practices, or the American Standard For Nursery Stock standards.

(b) In General. Where a property owner plans to retain protected trees on a site to be developed or otherwise disturbed in a manner that may affect protected trees, the standards must be met. (a) Tree Protection Plan with specification found in ANSI A300 Standards, and ISA Best Management Practices. The plans must provide the tree protection conditions for the building site per the section. Tree protection fencing must be rigid wire fencing, anchored to the ground, if within 15 feet of any heavy construction area in the development impact area. (c) Clearing. A forest stand delineation is required for any clearing of invasive, exotic, or unprotected vegetation on a building site. A tree protection plan may be required. (d) The plan must be fully implemented.

Improved standards are applied to construction sites by application of industry-recognized specifications and education of how to properly implement them to sustain trees on construction sites. Intent is for the builder to be able to demonstrate compliance without being forced under rigid requirements.

10.137 Violation Of This Division

Stop work order provisions are included.

In addition to the stop work order, the conditions for mitigation when trees are removed without permit, or without remaining evidence of the trees, is provided. The methods of mitigation are as required under this ordinance. If evidence of the trees no longer remain, and the owner will not present an accurate tree survey or calculation of trees previously on the property, the building official may calculate the projected canopy cover of a recent aerial image in a forest stand delineation process to determine the total canopy coverage. The total canopy coverage is divided by a calculation of 1200 sf for a canopy tree to determine an estimated number of trees. The number of trees is multiplied by 8 inches to determine the inches of trees to be replaced.

The additional mitigation tool provides an ability to enforce on illegal tree removals and when evidence of the individual trees has been removed from the site.

Appeals

10.138 Appeals

Fines

10.139 Fines

Criminal Responsibility, And Defenses To Prosecution

10.140 Criminal Responsibility, And Defenses To Prosecution

Minor amendments are presented to include the director of Aviation and clarify public utility, right-of-way, and infrastructure defenses.