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## **Article 11: Tree Retention and Tree Canopy Re-establishment.**

### **11.010 Purpose.**

The regulations in this article seek to preserve trees and re-establish tree canopy over time in order to:

- (1) Maintain the beauty of the City and its natural heritage;
- (2) Protect public health through the absorption of air pollutants and increasing air quality;
- (3) Provide visual screening and summer cooling;
- (4) Minimize fire hazards in wildland interface areas;
- (5) Maintain property values;
- (6) Maintain wildlife habitat; and
- (7) Meet a community goal that recognizes the importance of trees

In addition, the retention and re-establishment of trees on a land division site will:

- (1) Preserve existing trees when feasible;
- (2) Provide a benefit by maintaining slope and soil stability;
- (3) Reduce erosion and flooding;
- (4) Help filter storm water and reduce runoff;
- (5) Provide incentives to property owners for incorporating and retaining existing tree canopy into the design of developments or home sites;
- (6) Promote diversity of tree species in order to mitigate insect or disease epidemics.

### **11.020 Evaluation and Applicability.**

A determination of average canopy by general species and percentage was made using a dot grid for ocular estimate over aerial photographs. Four quadrants on the outer edges of the existing Urban Growth Boundary for the City were evaluated. The grain and color of vegetation provided a good determination of vegetation present. The areas used were contiguous undeveloped areas of approximately forty (40) acres each in size. It was found there are currently forty-five (45) percent open brushy areas, forty (40) percent hardwoods (oaks and madrones) and fifteen (15) percent conifer (ponderosa pines and Douglas firs) within the outer boundaries. This equates to approximately fifty-five (55) percent overall canopy cover with variations throughout the Urban Growth Boundary. The regulations below work toward establishing a base line average of future trees needed to re-establish tree canopy in the various zoning districts. It is a goal to either preserve or establish a community minimum of thirty (30) percent tree canopy across the City limits and Urban Growth Boundary.

### **11.030 Applicability.**

This article applies to all land divisions in residential zones.

11.040 Submittal Requirements for Tentative Plan Approval for Partitions, Subdivisions, and Planned Unit Developments.

The following shall be submitted at the time of submittal of a Tentative Plan:

- (1) A plan or aerial photograph showing the property lines of the subject properties under review and the general location of existing tree canopy cover. The aerial photograph used shall be the most recent aerial photography used and available from the City.
- (2) An overlay of the proposed plan on the aerial photograph.
- (3) The estimated amount of tree canopy on the site.
- (4) The approximate location of trees or groups of trees to be retained.

11.041 Canopy Chart.

The following chart identifies the percentage of tree canopy to be maintained or re-established in the specified zones and the number of trees to be planted per lot in order to meet the canopy percentage target.

	High Density R-3 and R-4	Medium Density R-2 & R-1-6	Low Density R-1-8, R-1-10, and R-1-12
Percentage of Tree Canopy to be maintained or Re-established	15 percent to 20 percent	20 percent to 30 percent	25 percent to 35 percent
Number of Trees needed per Lot (# based upon canopy coverage calculation)	2-3	3-4	4-5

In order to satisfy Tentative Plan criteria, the applicant shall complete the chart below to show how the proposed development will maintain and/or re-establish tree canopy cover.

Existing Percentage of Canopy Cover Prior to Development	Percentage of Existing Canopy Cover to Remain Post Development	Target Percentage based on Zoning District	Total Percentage of Canopy Cover Proposed Post Development	Number of Trees to be Planted per Lot

11.050 Development Permit Requirements.

Prior to issuance of a Development Permit for the Tentative Plan, the applicant shall submit the following plan by a Tree Professional for review and approval:

Existing Tree Canopy Cover and Tree Protection Plan.

- (1) An aerial photo or other graphic depicting the existing percentage of tree canopy on the site. The aerial photograph used shall be the most recent aerial photography used and available from the City.
- (2) The location and percentage of dominant and co-dominant tree canopy to remain during construction.
- (3) Indicate how the trees or groups of trees will be marked in the field to distinguish them as protected trees during construction/grading.
- (4) Type of protection to be placed around the trees at the drip line.
- (5) An outline-level narrative of the plan to maintain and/or re-establish tree canopy.

11.060 Final Plat Requirements.

Prior to recording the Final Plan for the Partition, Subdivision, or Planned Unit Development the following shall be submitted for review and approval by a Tree Professional:

- (1) Tree Re-vegetation Plan:
  - (a) Location of trees or groups of trees remaining on site post development as related to new lot lines
  - (b) A tree planting plan identifying general locations of where new trees will be planted and include the height, caliper and species of trees recommended to be planted.
  - (c) The percentage of tree canopy proposed to be re-established. The calculation shall be based upon the type of trees to be planted and number of trees needed per lot, and shall meet the conditions of tentative plan approval.
  - (d) Demonstration of efforts to promote diversity of tree species.
  - (e) The Tree Re-vegetation Plan shall be recorded along with the final plat/plan.

(2) Tree Deposit.

The applicant shall pay a tree deposit of \$300 per lot in the R-3 and R-4 zoning districts, \$400 per lot in the R-2 and R-1-6 zoning districts, and \$500 per lot in the R-1-8, R-1-10, and R-1-12 zoning districts prior to final plat/plan. The money will be available to the original developer or any subsequent property owner for future installation trees in accordance with the Tree Re-vegetation Plan. The existing or new property owner shall be reimbursed after demonstrating the actual amount spent in the purchase and installation of trees on the lot in question up to the amount of deposit actually collected by the City for that lot. Such reimbursement shall be made within thirty (30) days of property owner submitting such a request including providing the City with a receipt of said expenditures and confirmation that the trees were installed. If the property owner plants the required trees within one year of the final inspection of the home and the reimbursement is less than the amount deposited, the remaining monies shall be reimbursable for up to twenty-four (24) months after the final inspection of the dwelling constructed on the lot.

Any monies remaining after that time shall be placed in a City fund for the purchase of trees to be planted within the development or elsewhere in the City at the City's discretion. If the property owner fails to install the required trees within twelve (12) months of granting an Occupancy Certificate for the dwelling constructed on said lot, the City is authorized to install the trees required by the Revegetation Plan for the lot, and be reimbursed by deducting the full amount of the deposit from the fund. If the deposit was never received for that lot, or if an existing tree that was used for credit against the deposit has been removed, then the City, after installation of such required trees, is authorized to bill the property owner the full amount of the installation cost, and secure the debt with a lien on the property if not paid within forty-five (45) days.

11.070 Tree Retention Incentives.

There is added value for the development and the overall community if existing, healthy trees are retained and protected during and after development. The following incentives are possible in order to retain and protect existing trees.

(1) Administrative Review to Modify Lot Lines Prior to Final Plat.

An applicant may make a request to the Community Development Director who has the authority to adjust the interior lot lines from the approved plan in a Planned Unit Development in order to place existing trees within side or rear yards potentially reducing the size of the lot by no more than twenty (20) percent below the minimum required square footage for lots in that zone. The

reduced square footage shall be compensated by adding an equivalent area on an adjacent lot(s) either on the sides or rear of the smaller lot.

(2) Tree Deposit Waiver.

In cases where development on a proposed lot will retain existing dominant or co-dominant trees on that lot, which appear on the approved tree list in Section 23.076, the tree deposit for that lot will be reduced in accordance with the percentage of canopy retained on said lot and the canopy measured in accordance with 23.076, as compared to the required canopy for the lot. However, a waiver of tree deposit may be granted for preservation of a dominant or co-dominant tree not on the approved tree list given the following criteria:

- (a) A written request for such credit is made to the Community Development Director;
  - (i) The request shall be prepared by a Tree Professional and shall include:
    - (A) A narrative about the significance and health of the tree,
    - (B) A photo of the tree,
    - (C) A site plan of the lot/parcel indicating the location of the trunk and approximate drip line of the tree; and
    - (D) A calculation of the canopy area measured at the drip line.
  - (b) Any such credit granted shall be based upon the actual area of the drip line with no multiplier.

(3) Tree Canopy Credit.

The area of the canopy for dominant or co-dominant tree of any species retained within a development shall be credited as double the area calculation for that species towards the overall canopy goal of the project. If the tree retained is subsequently removed from the property for any reason then the parcel or lot must have two trees of equal or greater canopy potential planted.

(4) Utility Alternative Relocation to Within a City Right of Way.

The City will establish an agreement with the Non-City Utility Companies allowing realignment of the conduits and ditch of said utilities into the public right of way for the purpose of avoiding the drip line of a retained dominant or

co-dominant tree located within or closely adjacent to the City Utility Easement (CUE), when that realignment is technically feasible. Such agreement shall identify when the City is responsible for relocating the utilities and conduit at the City's expense and when the Utility Company is responsible for relocating the utilities and conduit at the Utility Company's expense. Typically, the City will relocate and pay for the relocation of utilities and conduit when it is a City project and the Utility Company will relocate and pay for the relocation of the utilities and conduit when it is a Utility Company project. The technical feasibility of the proposed relocation shall be determined by the Grants Pass Parks & Community Development Director or authorized designee.

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REVISIONS

DATE	ORD #
1/16/13	5567