



To: Members of Dublin City Council
From: Dana L. McDaniel, City Manager
Date: October 27, 2017
Initiated Matt Earman, Director of Parks and Recreation
By: Claudia D. Husak, AICP, Senior Planner
Brian Martin, Zoning Inspector, Certified Arborist
Shawn Krawetzki, PLA, ASLA, CPSI, Landscape Architect
Re: Tree Replacement Fee Waiver Policy

Summary

The Community Development Committee of City Council reviewed and commented on a draft of the proposed update to the Tree Waiver Policy at their August 14, 2017 meeting. Committee members supported the proposed approach of prioritizing certain tree species, discussed a need to update the intent language, emphasize preservation over replacement, and address the eligibility criteria and consistency.

Background

City Council reviewed the draft policy at their June 12, 2017 meeting and referred the subject to the Community Development Committee for additional input and clarification. The Planning and Zoning Commission reviewed the draft policy at their May 18, 2017 meeting and recommended approval to City Council.

City Council discussed the Tree Waiver Policy in the Fall of 2016 and requested staff follow-up regarding potential modifications to the City's approach to addressing tree replacement waiver requests.

The policy was approved by City Council in 2001 and since its adoption, 22 waivers to the tree replacement requirements have been requested. The policy is applicable to trees considered protected in the Zoning Code and therefore required to be replaced on an inch-for-inch basis. While there are many different approaches to this subject, a team of staff has worked together to propose this update to the policy to include more stringent criteria for eligibility, submission requirements, and allow replacements with different sized trees as well as a wider variety of species.

This memo summarizes the proposed updates to the policy and the discussion from the Planning and Zoning Commission.

Proposal Update

Staff's proposal for a revised tree waiver policy addresses the Committee comments by adding preservation language in the intent statement. The eligibility section was updated to eliminate the number of trees per acre as an eligibility requirement. The submission requirements for the

waiver were updated in accordance with requests from the Committee and the ratings and replacement sections were also updated to reflect the desired diversity, heights and sizes for different species and the general condition of trees eligible for replacement.

Staff has also worked with Finance to update the fee for replacement trees to \$150 per inch, which is pending for approval with the fee ordinance (second reading scheduled for November 6, 2017).

Recommendation

Staff has provided the draft Tree Waiver Policy (clean version and marked up version attached to this memo) for review and discussion by the Committee and is requesting a recommendation of approval to City Council.



Tree Waiver Policy Proposal

I. Intent

It is the intent of this policy to ensure sites are designed and developed in a manner that promotes the preservation of existing tree stands and natural features through conservation design principles and protected trees removed from wooded sites are replaced on-site to the extent possible to ensure the quality of life in the city is maintained, the image of the community is enhanced while allowing for the reasonable development of lands in such a manner that it meets the high-quality standards of the city.

II. Waiver Eligibility

The developed or disturbed area must meet these minimum requirements:

1. Site layout must preserve at least 50% of the priority 1 trees (as defined in this policy) and 50% of the landmark trees on site (trees must be in good or fair condition).
2. Protected trees have not been removed from the site without a Tree Removal Permit.

III. Waiver Submittal Requirements

A request for a tree waiver must be accompanied by the following:

- Tree Survey
 - List the size, species and condition of all trees greater than 6-inches DBH unless a portion of a wooded area will not be disturbed.
 - Trees within 50 feet of development or disturbance, on the same or adjacent property, shall also be surveyed and listed in the survey table. These trees must be identifiable by the number listed in the survey, which is physically placed on the tree with a removable ribbon or tree tag, subject to approval by the City Forester or designee.
 - The tree survey shall show or list the specific trees proposed for removal.
 - A certified arborist shall be used to complete the tree survey, or other accredited professional as approved by staff.

- Development Plan
 - Must indicate roads, buildings, utilities, topography, excavation and grading as well as all existing trees.
 - The waiver, if granted, shall apply to additional trees requiring removal during construction.

- Waiver Request Letter
 - Submitted to the City of Dublin Division of Planning requesting a tree waiver.
 - Description of how the proposal has been designed to preserve existing trees.
 - Evaluation of how the proposal meets the waiver criteria.
 - Provision of detailed information comparing the replacement requirements the Zoning Code to the waiver.
 - Any other supporting information for the request to waive the Code requirements.

IV. Health Assessment Ratings

- Good Condition
 - Dieback is limited to less than 10%
 - Canopy density and leaf size are normal
 - Less than 20% of the trunk has any decay
 - No major insect or disease problem
 - Tree can be expected to live for at least 20 years.

- Fair Condition
 - Dieback is limited to one or two large branches and up to 20% of canopy
 - Foliage is showing signs of stress
 - Up to 30% of trunk has any decay
 - No major insect or disease problem
 - Tree is expected to live approximately 20 years, could be longer with care

- Poor Condition

- Dieback is found in over 30% of canopy with 3 or more large, dead branches;
 - Foliage color and size is abnormal for species
 - More than 30% of trunk is decayed or hollow
 - More than 30% of the roots are removed or decayed
 - Tree is not expected to live less than 5 years.
-
- Dead: No live canopy.

V. Tree Ratings

Individual trees of any size and species may be designated with a higher value and placed in Priority 1 based on exceptional aesthetic quality, historical significance or distinctiveness in the judgment of the City Forester or designee.

Priority 1: All trees measuring 18-inches and over DBH (diameter breast height) excluding species listed under Priority 3

Priority 2: All trees between 6-17-inches DBH (diameter breast height) excluding species listed under Priority 3

Priority 3: Ash (*Fraxinus*), black cherry (*Prunus serotina*) and other species listed in Appendix E of the City of Dublin Zoning Code, Unacceptable Trees for Street Tree Use. Any multi-trunk trees with an aggregate 15" DBH (diameter breast height) or more unless it meets Landmark Tree status.

Landmark Tree: Any tree measuring 24-inches and over DBH (diameter at breast height) in good or fair condition. These trees usually have a single trunk. In the case of a tree having more than one trunk or stem, the DBH of the largest trunk or stem must be at least 18 inches to be considered a landmark tree.

VI. Replacement Requirements

Tree diversity for new plantings shall include no more than 10% of any one species, 20% of any one genus, as far as appropriate for the design and subject to the approval of the City Forester or designee. [Example: Maples (*Acer*) can be used for up to 20% of the tree replacements but Sugar Maples (*Acer saccharum*) can only be used for 10%.] The species used for required street trees within the development may not be used for tree replacement.

- 1) Priority 1 trees shall be replaced on a 3-1 basis with a 2" minimum caliper tree.
- 2) Priority 2 trees shall be replaced on a 2-1 basis with a 2" minimum caliper tree.
- 3) Priority 3 trees shall be replaced on a 1-1 basis with a 2" minimum caliper tree
- 4) All landmark trees in good or fair condition shall be replaced on an inch for inch basis with 2.5" caliper trees.
- 5) All tree stock shall be balled in burlap (B&B).
- 6) Tree replacements of 2" caliper shall not consist of more than 30% of the total number of trees being replaced on the site.
- 7) Tree replacements can include ornamental and evergreen trees, up to 30% of the total tree number being replaced on site. Evergreen trees are classified by height in production. The equivalency for evergreen trees to caliper inches shall be as follows: 6-7' tall=2.5"; 8-10' tall=3".
- 8) Priority 2 and 3 replacement trees may be used to fulfill aesthetic and buffer planting requirements of a PUD. Front yard trees, street trees and other trees required in the landscape code cannot be fulfilled using a tree replacement. For commercial developments, replacement trees may be used to satisfy Perimeter Buffer Landscape requirements (153.133(A)).
- 9) If more than 75% of the existing trees are preserved and the development replaces as many trees as practical on the site, excluding required trees and subject to staff approval, the remaining inches to be replaced shall be waived and no fee shall be required.



Tree Waiver Policy Proposal

I. Intent

It is the intent of this policy to ensure sites are designed and developed in a manner that promotes the preservation of existing tree stands and natural features through conservation design principles and protected trees removed from wooded sites are replaced on-site to the extent possible to ensure the quality of life in the city is maintained, the image of the community is enhanced while allowing for the reasonable development of lands in such a manner that it meets the high-quality standards of the city. Another major objective of this policy is to promote the preservation of existing tree stands and natural features through conservation design principles.

II. ~~Criteria for a waiver~~ Waiver Eligibility

The developed or disturbed area must meet these minimum requirements:

- ~~1. The developed or disturbed area contains 100 protected trees (as defined in the Zoning Code) per acre, or contain 1,000 inches of protected trees per acre (trees must be in good or fair condition) or be otherwise considered 'heavily wooded' by the City Forester or designee.~~
- 2.1. Site layout must preserve at least 50% of the priority 1 trees (as defined in this policy) and 50% of the landmark trees on site (trees must be in good or fair condition).
- 3.2. Protected trees have not been removed from the site without a Tree Removal Permit.

III. Waiver Submittal Requirements

A request for a tree waiver must be accompanied by the following:

- Tree Survey
 - List the size, species and condition of all trees greater than 6-inches DBH unless a portion of a wooded area will not be disturbed.
 - Trees within 50 feet of development or disturbance, on the same or adjacent property, shall also be surveyed and listed in the survey table. These trees must be identifiable by the number listed in the survey,

which is physically placed on the tree with a removable ribbon or tree tag, ~~subject to approval by the City Forester or designee.~~

- ~~All trees may not need to be tagged, subject to approval by the City Forester or designee.~~
 - The tree survey shall show or list the specific trees proposed for removal.
 - A certified arborist shall be used to complete the tree survey, or other credentialed accredited professional as approved by staff. ~~to ensure accurate information is submitted.~~
- Development Plan
 - Must indicate roads, buildings, utilities, topography, excavation and grading as well as all existing trees.
 - The waiver, if granted, shall apply to additional trees requiring removal during construction.
 - Waiver Request Letter
 - ~~Submitted~~ to the City of Dublin Division of Planning requesting a tree waiver.
 - ~~Must include~~ Description of ~~be~~ how the proposal has been designed to preserve existing trees.
 - Evaluation of how the proposal meets the waiver criteria.
 - ~~Must include~~ Provision of detailed information comparing the replacement requirements ~~of the tree replacement requirements in~~ the Zoning Code to the waiver.
 - ~~Any other~~ include any ~~supporting~~ Any other information ~~to support your request to support a~~ for the request to ~~waiver to the~~ Code requirements may also be included.

IV. Health Assessment Ratings

- Good Condition
 - Dieback is limited to less than 10%
 - Canopy density and leaf size are normal
 - Less than 20% of the trunk has any decay
 - No major insect or disease problem
 - Tree can be expected to live for at least 20 years.

- Fair Condition
 - Dieback is limited to one or two large branches and up to 20% of canopy
 - Foliage is showing signs of stress
 - Up to ~~30~~3% of trunk has any decay
 - No major insect or disease problem
 - Tree is expected to live approximately 20 years, could be longer with care

- Poor Condition
 - Dieback is found in over 30% of canopy with 3 or more large, dead branches;
 - Foliage color and size is abnormal for species
 - More than ~~30~~3% of trunk is decayed or hollow
 - More than ~~30~~3% of the roots are removed or decayed
 - Tree is not expected to live ~~less than 5 years~~ [more than a few years](#).

- Dead: No live canopy.

V. Tree Ratings

Individual trees of any size and species may be [designated with](#) a higher value and placed in Priority 1 based on exceptional aesthetic quality, historical significance or ~~rareness~~[distinctiveness](#) in the judgment of the City Forester or designee.

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Landmark Tree: Any tree measuring ~~over~~ 24-inches [and over](#) DBH ([diameter at breast height](#) ~~(4.5' height)~~) in good or fair condition. These trees usually have a single trunk. In the case of a tree having more than one trunk or stem, the DBH of the largest trunk or stem must be at least 18 inches to be considered a landmark tree.

VI. Replacement Requirements ~~for Trees in Good and Fair Condition~~

Tree diversity for new plantings shall include no more than 10% of any one species, 20% of any one genus, ~~or 30% of any family~~, as far as ~~practical~~ appropriate for the design and subject to the approval of the City Forester or designee. [Example: MFor instance, maples (*Acer*) can be used for up to 20% of the tree replacements but SSugar mMaples (*Acer saccharum*) can only be used for 10%.] The species used for required street trees within the development may not be used for tree replacement.

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- 5) All tree stock shall be balled in burlap (B&B).
- 4)6) Tree replacements of 2" caliper shall not consist of more than 30% of the total number of trees being replaced on the site.
- 5)7) Tree replacements can include ornamental and evergreen trees, up to 30% of the total tree number being replaced on site. Evergreen trees are classified by height in production. The equivalency for evergreen trees to caliper inches shall be as follows: 6-7' tall=2.5"; 8-10' tall=3".
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- 6)9) If more than 75% of the existing trees are preserved and the development replaces as many trees as practical on the site, excluding required trees and subject to staff approval, the remaining inches to be replaced shall be waived and no fee shall be required.