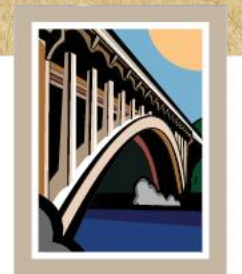




Informational Workshop Tree Preservation Ordinance Update



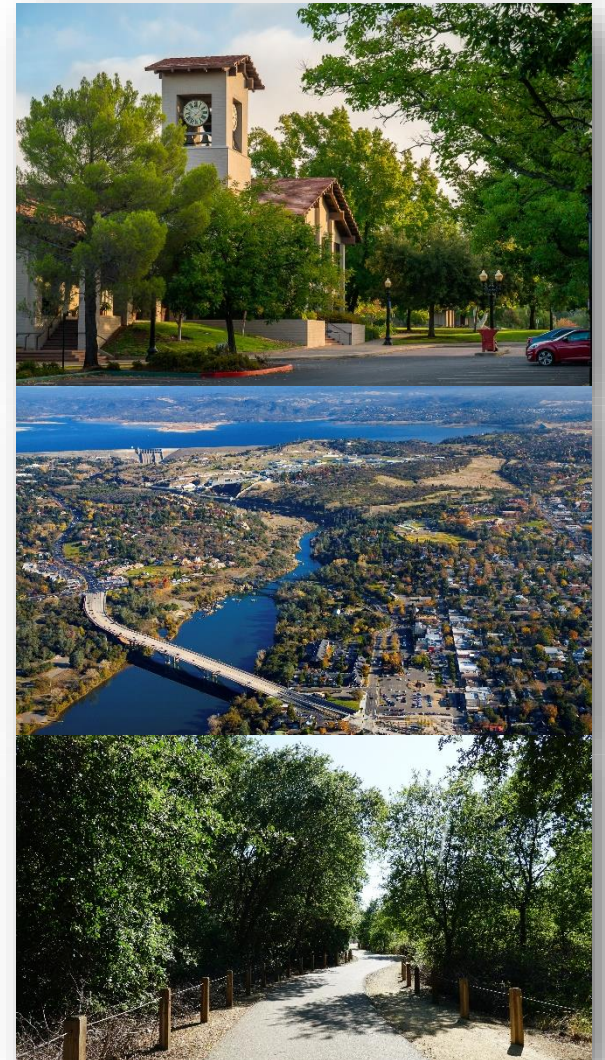
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Background



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- Our current tree preservation ordinance is over 20 years old (FMC Chapter 12.16)
- Staff and stakeholders have identified several challenges with implementing the current code
- 2035 General Plan outlines policies for tree preservation, planting of native species, and tree planting for shade, beautification, and heat island effect
- Update is intended to address gaps, ambiguities and incorporate best management practices

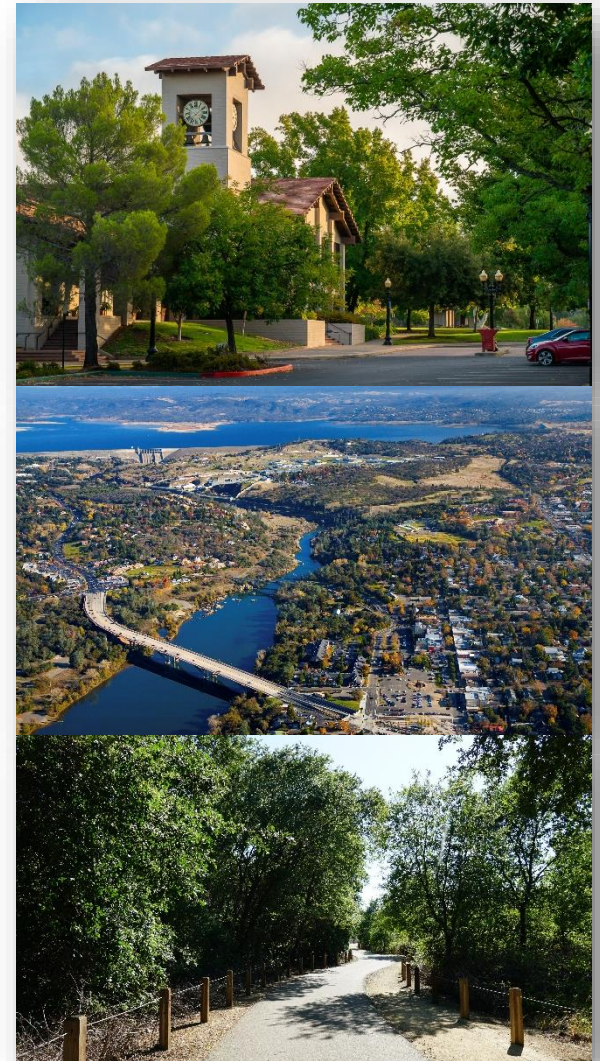


Project Timeline/Status



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- CC Introduction April 9, 2019
- Stakeholder Interviews April 2019
- Community Workshop April 25, 2019
- Research and analysis (May - August)
- Draft Tree Preservation Ordinance 10-16-19
- CC Workshop 10-22-19
- Public comments and revisions
- CC Hearing 12-10-19



Summary of Key Changes Proposed

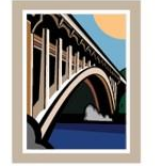


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To better align with the Purpose and Intent of the original ordinance, the following key changes have been proposed in this update:

1. Provide clear and updated definitions with illustrations to help users understand what is expected of them
2. Examine regulated activity and clarify steps involved in those regulated activities
3. Introduce Tree Protection and Mitigation plan when work is done around protected trees
4. Modify tree mitigation applicability and calculation
5. Modify and clarify Tree Planting and Replacement Fund

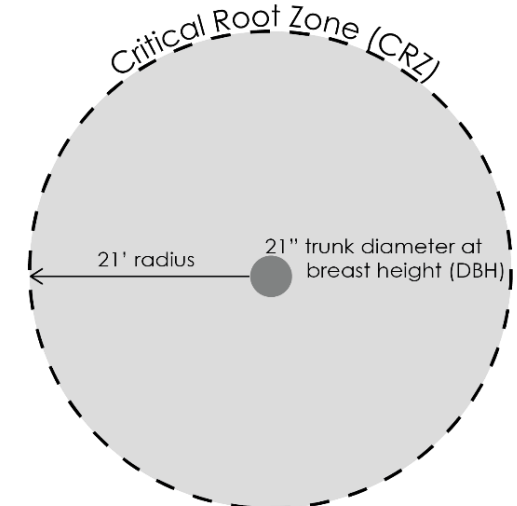
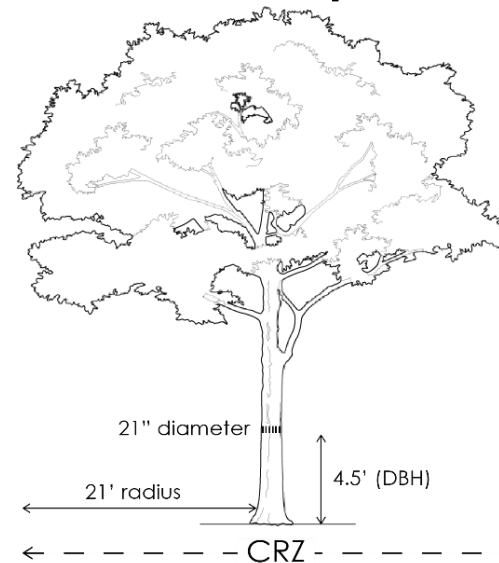
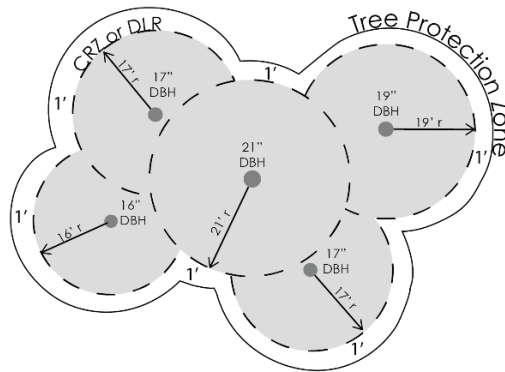
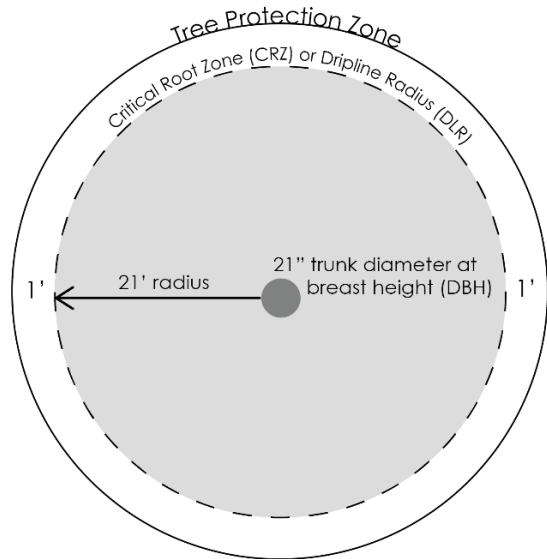
1. Updated Definitions



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Protected Tree – expanded to include Parking Lot Shading Trees and trees required as a result of mitigation.

Tree Protection Zone – Now considers the diameter at breast height (DBH) of the tree to ensure sufficient protection.



1. Updated Definitions



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Heritage Tree – has been expanded to include ALL trees with a DBH of 30 + inches (with exceptions for invasive species).

- The intent of this expansion has been to give this definition functionality where none presently exists in the current ordinance.
- Large trees in the Historic District would be protected under the proposed language

2. Regulated Activity and Findings



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Findings and Conditions for Tree Work

The current ordinance doesn't give clear direction on when a permit is needed or justified. This update attempts to address those ambiguities.

- Clarification of prohibited activities
- Introduction of Required Findings
- Introduction of Reasonable Alternative Measures

	Current Ordinance	Proposed Update
Clarification of what "regulated activity" means.	"means any activity to be done to a protected tree or undertaken within the protected zone."	Includes a list of prohibited activities and a list of activities that necessitates a permit.
Prohibited Activities	Stay out of the TPZ	Includes a list of prohibited activities.
Required Findings	Silent on qualifiers/warrants for approval for tree removal	Establishes criteria for when a protected tree may be removed or impacted
Reasonable Alternative Measures	Silent	Introduced concept to allow possible allowances/variances in order to preserve trees

3. Tree Work Standards and Tree Protection and Mitigation Plan



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Standards for Tree Work

- The current ordinance says to “STAY OUT!” But what if the builder/contractor can’t?
- The current ordinance also lacks a realistic mechanism for ensuring tree longevity during construction
- This proposed update seeks to address these ambiguities

	Current Ordinance	Proposed Update
Standards for Pruning	The current ordinance includes a definition for a set of standards that doesn’t exist.	Includes requirement that pruning shall conform to industry standards (ANSI A300).
Standards for Construction Activity Near Trees	Basically, just stay out of the TPZ	Acknowledges that activity often must encroach into the TPZ and adopts ANSI A300 standards for such activity.
Role and Involvement of Certified Arborist	No definition and very minimal reference to tree professionals or necessary qualifications.	Defines what an arborist is and the necessity of arborist involvement in regulated activity near trees.
Compliance Guarantee?	Requires bonds before engaging in work, which staff have not had the resources to implement.	Requires arborist involvement throughout the duration of development projects via “benchmarks”

4. Tree Mitigation



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Existing Ordinance:

- Unique categorical system to tabulate mitigation.
- High replacement tree requirements compared to other jurisdictions.
 - Extremely **low** mitigation requirement for building structures over trees (\$100 per tree removed).

Updated Ordinance:

- Mitigation based on the exact size of the tree removed
- Congruent with other jurisdictions in the regions
 - Mitigation reduction of 50% for residential development rather than \$100 per tree removed.

City of Folsom Tree Mitigation Table

Project Address _____ Date _____
Project Name _____

DBH Size of Trees	Number of Trees Removed	*15 Gallon or #15 Mitigation Tree	*24" Box Mitigation Tree	*IN-LIEU FEE AMOUNT \$
6"-10"		x 8 =		
11"- 15"		x 15 =	x 4 =	x \$750 =
16"- 20"		x 20 =	x 6 =	x \$1,500 =
21"- 25"		x 30 =	x 10 =	x \$2,000 =
26"- 30"		x 35 =	x 15 =	x \$2,500 =
31"- 35"		x 40 =	x 17 =	x \$3,000 =
36"- 40"		x 50 =	x 20 =	x \$3,500 =
>40"		N/A	x 25 =	x \$4,500 =
TOTALS			x 35 =	x \$6,000 =

*Select #15 or 24" box tree replacements &/ or in-lieu fees or if some native oak tree(s) are specifically being planted for "Mitigation"

TRUNK LOCATED FOOTPRINT OF HOUSE & GARAGEFOR NEW CUSTOM SINGLE FAMILY RESIDENCES

DBH Size of Trees	Number of Removal Trees	*15 Gallon or #15 Replacement Tree	*IN-LIEU FEE AMOUNT \$
6"-10"		x 1 =	
11"- 15"		x 1 =	x \$100 =
16"- 20"		x 1 =	x \$100 =
21"- 25"		x 1 =	x \$100 =
26"- 30"		x 1 =	x \$100 =
31"- 35"		x 1 =	x \$100 =
36"- 40"		x 1 =	x \$100 =
>40"		x 1 =	x \$100 =
TOTALS			x \$100 =

**Select #15 tree replacements or in-lieu fees

Number of trees removed with **no** mitigation due to poor or dangerous condition rating _____

15 Gallon or #15 Container Mitigation Tree	SUMMARY	IN-LIEU FEE
	24" Box Mitigation Tree	\$
	Tree Permit Fee	\$
Total Due (In-Lieu Fee + Tree Permit Fee)=		34.00

City Arborist (916) 355-8371
Updated 10-20-11, 8-5-15, 7-17-16, 12-2-16

Mitigation Credit Approach

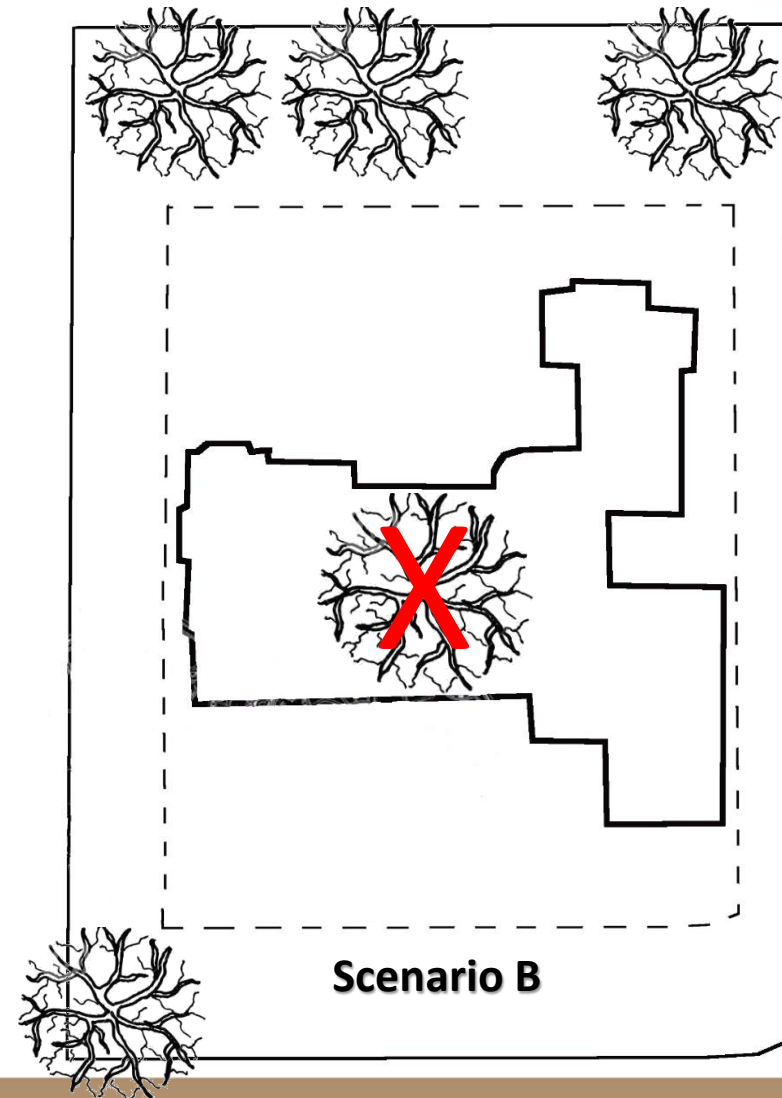
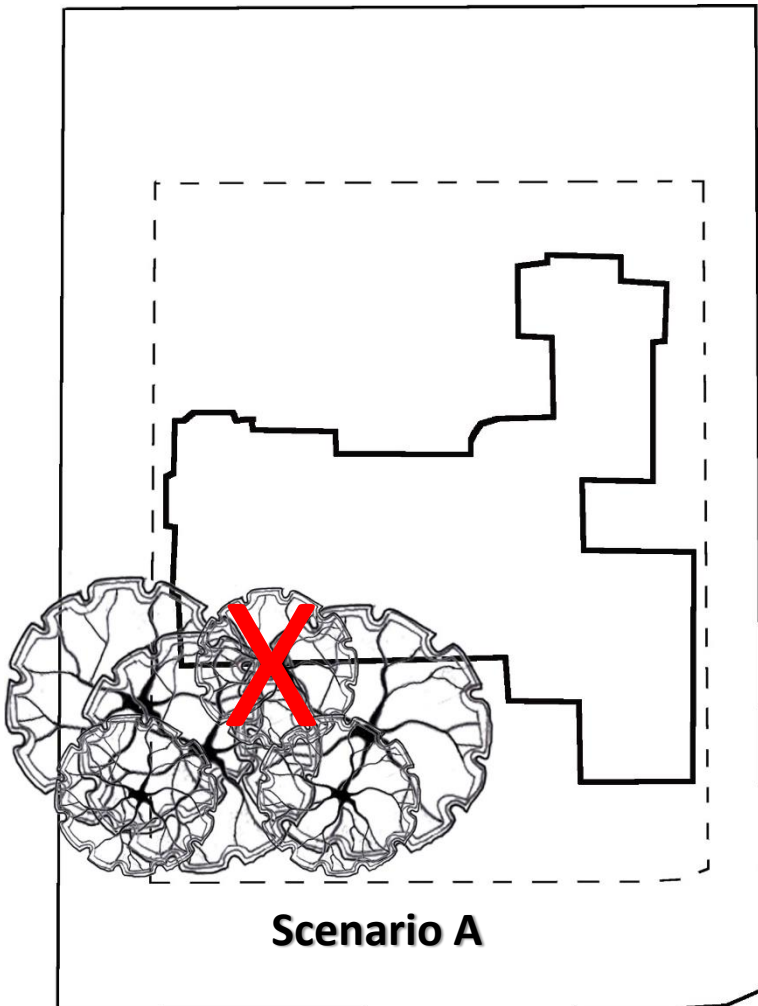


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Key Question:

- Both sites involve removal of a Protected Tree.
- Credit provided for preserved Protected Trees.
- In which scenario should mitigation credit be given?

- A) Trees in Buildable Area
- B) Trees outside Buildable Area
- C) Both



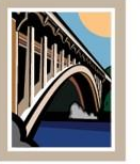
5. Tree Planting and Replacement Fund



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- Clarifies and expands allowable scope of fund expenditure to support tree planting and urban forestry efforts
 - Added development, staffing or implementation of an Urban Forestry program (GP implementation program)
 - Added planting of trees on private property maintained by the City
 - Clarified management of the funds by the Community Development Department
- We also know that mitigation fees for tree replacement at current ratio is significantly underfunded

Impact/Common Scenarios



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Brief demonstration of the impact of proposed changes on most common scenarios

1. Work Within a Tree Protection Zone
2. Subdivision Development
3. Custom Single-family Lot
4. Addition or pool construction
5. Parking lot shade trees

Scenario 1 – Work within a TPZ



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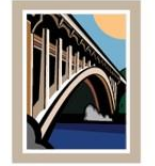
Current ordinance:

- Limited guidance for construction near trees
- Few benchmarks for ensuring tree longevity after construction impacts

Proposed update:

- Acknowledges internationally recognized standards for tree care and management
- Requires the monitoring and expertise of a certified arborist
- Sets standards and expectations via Certificates of Compliance

Scenario 2 – Subdivision Development



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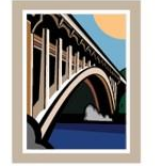
Current Ordinance: City Arborist and tree considerations often come later in the development process when lot lines are already established.

The proposed update: Requires a Tree Protection and Mitigation Plan as a part of the entitlement application.

-The TPMP would map out the trees to be preserved and the trees to be removed and mitigated for development or due to condition.

Example: La Collina dal Lago subdivision

Scenario 2 – Subdivision Development



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The TPMP Would:

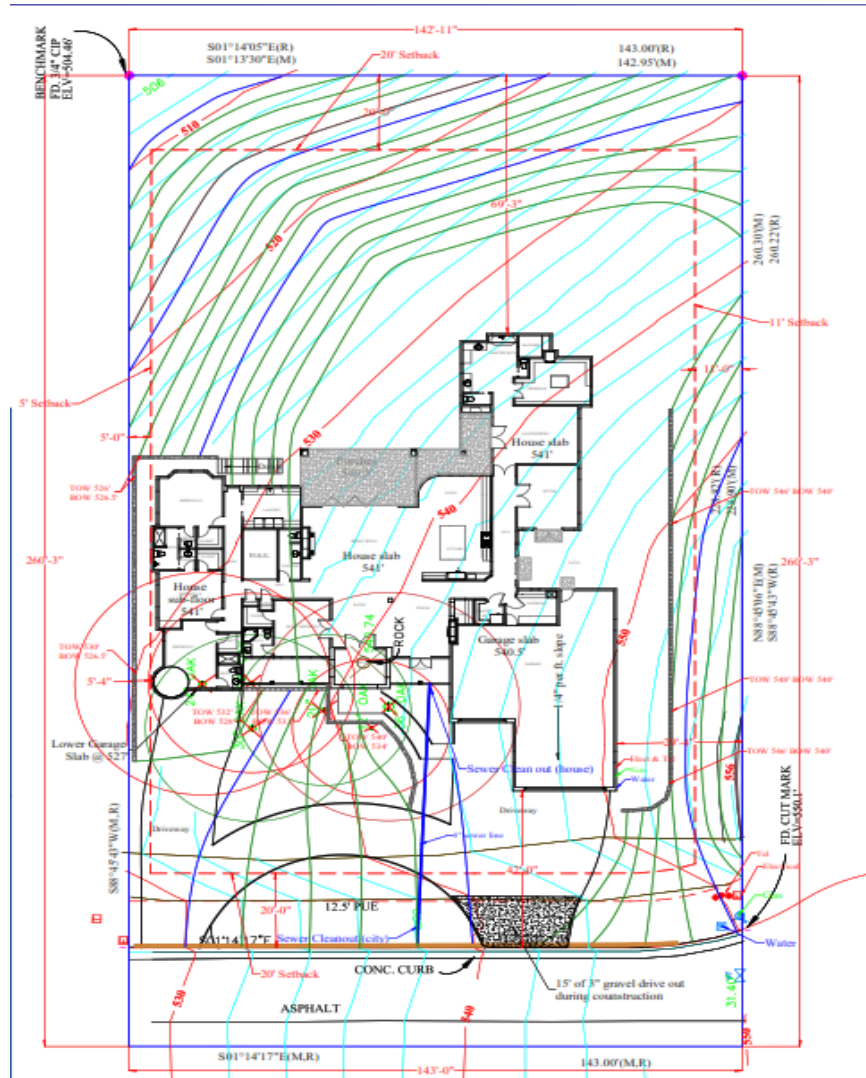
- Promote more thoughtful site design by requiring trees to be considered early on in the process
- Provide clear guidance and expectations for tree preservation to residents who ultimately purchase/develop the lots.
- Expedited tree permit process



Scenario 3 – Custom Single-family Lot



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A builder submits a plan for a custom home. The proposed project critically impacts a grove of mature native oak trees. The lot is large enough to relocate the house and save the trees.

Scenario 3 – Custom Single-family Lot

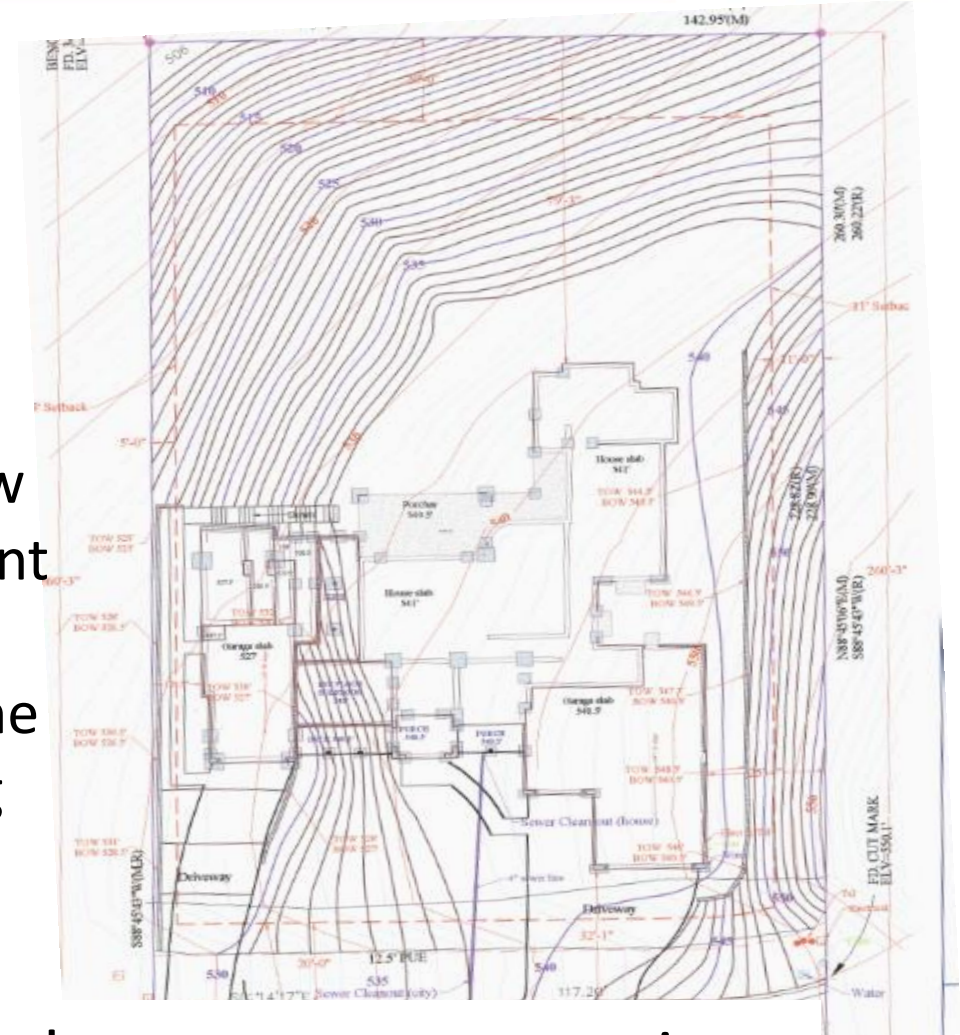
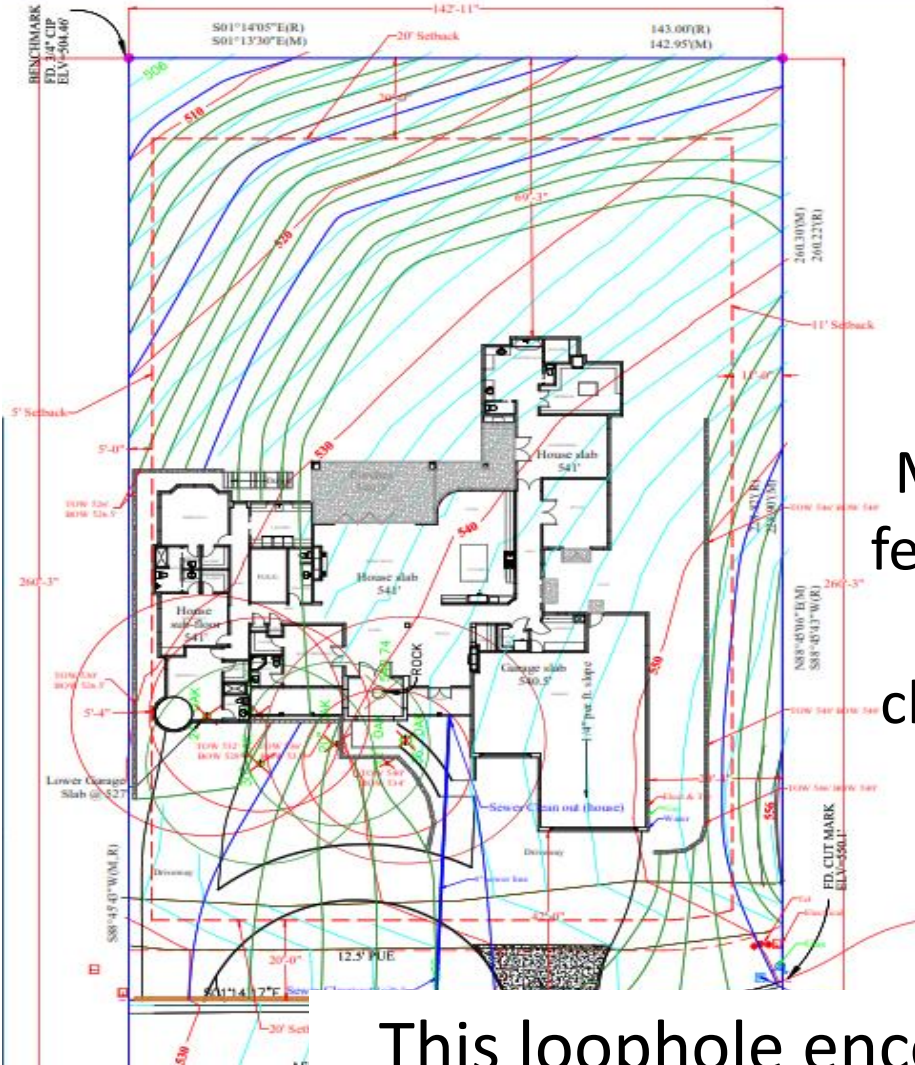


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Initial Submittal vs. Final Submittal

Moving the house a few feet to place the footprint over the grove was cheaper than moving the house back and saving the trees.

This loophole encourages tree removal over tree preservation



Scenario 3 – Custom Single-family Lot



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Proposed Updated Ordinance:

- Through failure to meet the findings, applicant would need to resubmit, moving the house away from the trees.
- Applicant's mitigation requirements are reduced by 50%. Additionally, the applicant receives further mitigation reductions via "preservation credits" for the trees that are saved.
- End result is a developed lot with mature trees that have been preserved.
- This encourages tree preservation over tree removal.

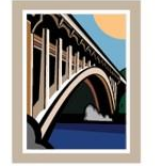
Scenario 4 – Addition/Pool Construction



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A resident submits a permit application for a pool. During the review process it is discovered that the pool location and design will critically impact a mature native oak tree on the property. The site constraints are not conducive to relocating or redesigning the pool...

Scenario 4 – Addition/Pool Construction



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The current ordinance:

- Resident must choose between getting their pool or preserving their oak tree.

The updated ordinance:

- Through “Reasonable Alternative Measures” the City may allow the resident to move the pool beyond the typical setbacks to preserve the tree.

Scenario 5 – Loss of Parking Lot Trees



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The current ordinance:

- Is silent on Parking Lot Shading Trees.
- Methods for the City to ensure these trees reach their full potential and serve their intended purpose are nebulous.
- City staff have to rely on indirect language in other areas of the Folsom Municipal Code for enforcement (i.e., Section 17.57).

Scenario 5 – Loss of Parking Lot Trees



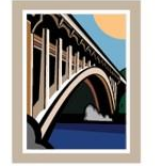
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The Updated Ordinance:

- Includes parking lot shade trees as protected trees.
- Requires parking lot shade trees to be maintained in accordance with internationally recognized standards
 - Topping prohibited
- Includes a mechanism to require tree replacement when a parking lot shade tree needs to be removed due to condition
- Helps battle the urban heat island effect!

Next Steps



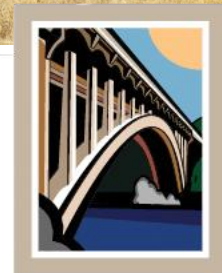
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- 30 day review of Public Draft Tree Preservation Ordinance
 - closes November 15th.
- Opportunity for public input this evening and over the next 3 weeks
- Amendments as appropriate pursuant to public feedback
- Return for Council consideration of adoption along with a recommended update to the Tree Mitigation Fee Resolution (tentatively scheduled for December 10, 2019)



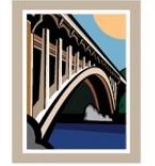


Comments/Questions?



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Permit Process Scenarios



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