

Latest City Draft is in black.

Mr. Parker's prior and current questions/comments are in orange.

Mr. Parker's suggestions / requests after reviewing Mr. Smith's responses are in green.

SEC 117-??? TREE PRESERVATION REMOVAL PERMIT

Any person proposing to engage in clearing, filling, cutting, quarrying, construction, or similar activities that would result in a disturbed area of one acre or larger shall apply to the Planning Department for a tree removal permit as specified in this article.

Mr. Parker previously asked, "Is a tree removal permit required if the disturbed area is one acre or larger, but no significant trees (or less than 7 significant trees) are to be removed)? Mr. Smith replied "no".

In light of Mr. Smith's reply, Mr. Parker suggests this sentence be edited to read, "Any person proposing to engage in clearing, filling, cutting, quarrying, construction, or similar activities that would result in (a) a disturbed area of one acre or larger, and (b) the removal of more than seven (7) significant trees from the disturbed area within a twelve (12) month period shall apply to the Planning Department for a Tree Removal Permit."

A site development plan shall be submitted to the City before removal of more than seven significant trees from a site within a twelve (12) month period without first obtaining a permit. The City official may exempt the need for the permit on a limited case-by-case basis.

No land shall be cleared to the extent regulated in this article, unless approved by a permit.

Should this read "no land shall be cleared . . . ," or "not more than seven significant trees shall be cleared. . . ." If a property owners want to cut undergrowth and trees less than 18" in diameter, say for an archery range or driving range on private property, may he or she do so without obtaining a permit.

If more than seven significant trees are to be removed by the owner/developer he or she must submit a Tree Protection or Replacement Plan to the Planning and Zoning Department. This plan must show all significant trees *on site*. This list shall include size and species of the trees.

Mr. Parker previously asked, what is the definition of "on site"?

Mr. Smith replied, "*On Site is the property that is being developed.*"

Mr. Smith also replied, "If a homeowner is going to build a single home on the property then as long as they do not remove more than seven significant trees they will not be required to obtain a permit. If they are removing more than seven trees we will require a plan to show the areas the trees are being removed.

Mr. Parker suggests a requirement by the City to require that the property owner provide the size and species of the trees included in 'the disturbed area' or the 'areas the trees are being removed' is inconsistent / different than requiring the property owner to provide the same information for 'the (entire) property that is being developed.'

The proposed ordinance currently states, "This plan must show all significant trees on site. This list shall include size and species of the trees." Mr. Parker suggests the proposed ordinance be changed to

read, “This plan must show the size of all significant trees in the disturbed area which are proposed to be removed.

After the last City Council meeting, Mr. Parker had the opportunity to visit with Councilman McClain and Councilman Long. (both copied here). Mr. Parker’s understanding of their statements describing the requirements of the proposed Tree Removal Permit, a Site Development Plan, and Tree Protection and/or Replacement Plan was that these requirements could be met by a typical property owner or his or her lawn care company providing the City Planning Department with sketches of what the property owner wanted to do with his or her property.

Mr. Parker suggests that the requirement to report to the government the size and species of trees on his or her property should be deleted except in the context of the property owner describing the trees to be removed when more than seven (7) significant trees are to be removed within a twelve (12) month period or to specify the trees for replacement. Additionally, requiring that property owners identify the species of existing trees is problematic. How many property owners can consistently and accurately walk into the woods and identify the species of trees after the leaves have fallen?

Mr. Smith stated, “if the property is being subdivided, it must follow the subdivision regulations *and would be required to obtain a permit and the tree plan would be part of the subdivision submittal.*” In paragraph one above, Mr. Parker asked, “Is a tree removal permit required if the disturbed area is one acre or larger, but no significant trees (or less than 7 significant trees) are to be removed? Mr. Smith replied “no.” However, Mr. Smith now states, regardless of whether or not more than seven (7) significant trees are to be removed, if property is “being subdivided,” the property owner proposing to subdivide his or her property *would be required to obtain a permit and the tree plan would be part of the subdivision submittal.*

Mr. Parker requests that the proposed ordinance be clarified to state that property owners proposing to subdivide their property shall not be required to purchase a tree removal permit or otherwise provide information required by this ordinance as part of their subdivision submittal, except to the extent the property owner proposes to take actions with respect to his or her property that cause the property to be subject to the requirements of this ordinance.

The plan shall show all roads, utilities, building footprints, driveways, and areas to be disturbed. If significant trees are in the disturbed area they are to be replaced at a rate of one to five (one tree to be planted for every five trees removed). If the drip line of the significant tree is adjacent to a construction area, measures must be made to protect the tree with fencing and other protective measures.

If a significant tree is removed from a nonconstruction area it must be replaced at a replacement rate of five to one.

If the owner/developer is unable to put replacement trees on the property they have the option to provide the same number of trees to the City of Jonesboro to be installed in area parks, along greenways, or trail and bike paths as approved by the City of Jonesboro. The owner/developer also has the option to pay a fee in lieu to be placed in a tree preservation account of the City of Jonesboro. The fee will be the cost of the trees as determined by a landscape professional and approved by the City of Jonesboro.

Replacement trees shall be replanted with trees that meet the following specifications:

(1) Deciduous: At least two and a half inches in diameter and at least eight feet in height above natural grade;

- (2) Evergreen: At least ten feet in height above natural grade; and
- (3) Ornamental: At least two and a half inches in diameter and at least eight feet in height above natural grade.

A tree is significant, if it is a tree and it is:

- (a) At least eighteen inches in diameter at the height of four and a half feet above natural grade;
- (b) Growing with multiple stems and at least one of the stems measured at a point six inches from the point where the stems digress from the main trunk is at least six inches in diameter;
- (c) An ornamental tree with a diameter in excess of three inches at the height eight inches above natural grade; or
- (d) Planted to meet the requirements of the current landscape ordinance.

A tree is not significant if it is less than eighteen (18) inches in diameter at four and a half feet above natural grade, unhealthy, or dead, or those included on the following list, regardless of size:

- (a) Black locust (*Robinia Pseudacacia*);
 - (b) Cottonwood (*Populus Trichocarpis*);
- and
- (c) Bradford pear (*Pyrus Calleryana* "Bradford");

Groups of trees and individual trees that are not to be removed and required undisturbed buffer areas shall be protected during construction by protective fencing and shall not be used for material storage or for any other purpose. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Planning and Zoning Department. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple project sites, the Planning and Zoning Department may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances. The tree protection barrier must be placed at the outside edge of the drip line of the existing trees.

The provisions of this Section 117-??? shall not apply to any persons or locations exempt under Section [1] of Section {1} (d) of 117-326.

Fees

A fee for each tree removal permit shall be paid to the City as currently established or as hereafter adopted by resolution of the City Council.

Fines

Any person or persons who violates the provisions of this ordinance shall be fined a minimum of two hundred and fifty (\$250) dollars per day and up to a maximum of five hundred (\$500) dollars per day with each day being a separate offence.

Mr. Parker requested and has not received a reply for clarification of this paragraph. If a person were to cut eight (8) significant trees on his or her property within a twelve (12) month period, what is the amount of the fine and how is the fine computed?

