

**CITY OF DELAWARE
SHADE TREE COMMISSION
CITY COUNCIL CHAMBERS
CITY HALL
1 SOUTH SANDUSKY STREET
7:00 P.M.**

AGENDA

May 23, 2017

1. ROLL CALL
2. APPROVAL of Motion Summary for the meeting held April 25, 2017 as recorded and transcribed.
3. PUBLIC COMMENTS
4. DISCUSSION of Community Outreach Programs
 - A. NOW Festival
5. DISCUSSION of Chapter 1168 Tree Preservation Regulations of the Planning and Zoning Code
6. STAFF COMMENTS
7. MEMBERS COMMENTS
8. PLAN REVIEWS
9. ADJOURNMENT

SHADE TREE COMMISSION
April 25, 2017
MOTION SUMMARY

ITEM 1. Roll Call

Chairman Olen called the meeting to order at 7:00 p.m.

Members Present: Jim Buck, Dave Carey, Tom Glissman, Marisa Sulek, Tom Wolber, Becki Wood-Meek, Vice-Chairwoman Susan Wright, and Chairman Paul Olen

Members Absent: Shannon Brewster

Staff Present: Linda Mathews (Customer Service Liaison), Doug Richmond (City Arborist), Ted Miller (Parks and Natural Resource Director)

Motion to Excuse: Chairman Olen moved to excuse Ms. Brewster, seconded by Vice-Chairwoman Wright. Motion approved with an 8-0 vote.

ITEM 2. APPROVAL OF MOTION SUMMARY of Shade Tree Commission meeting of March 28, 2017 as recorded and transcribed.

Motion: Vice-Chairwoman Wright moved to approve the Motion Summary for the March 28, 2017 meeting, seconded by Mr. Buck. Motion approved with an 8-0 vote.

ITEM 3. PUBLIC COMMENTS

ITEM 4. DISCUSSION of Community Outreach Programs

A. Arbor Day/Healthy Kids Day

Vice-Chairwoman Wright provided a sign-up sheet for volunteers at the events. A discussion was held regarding the schedule of events and tree planting ceremony.

B. First Friday

A discussion was held on activities for the May 5, 2017 First Friday Main Street Delaware event, and passing out tree saplings and information during the event. Vice-Chairwoman Wright reviewed the schedule for participants.

C. NOW Festival

Chairman Olen requested that this discussion be continued at the May 23, 2017 Shade Tree Commission meeting.

ITEM 5. DISCUSSION of Shade Tree Commission Composition
A discussion was held regarding the non-voting member of the board.

ITEM 6. ARBORIST REPORT

Mr. Richmond reviewed the Arborist Report and the removal of four trees by a contractor. Mr. Richmond updated the Commission on tree pruning status and the tree back log. A discussion was held regarding volcano mulching.

ITEM 7. STAFF COMMENTS

Mr. Miller reviewed the recent Tree City U.S.A. event and provided examples of signage to show the monetary economical value of a tree.

ITEM 8. MEMBER COMMENTS

Mr. Glissman informed staff that approximately three spruce trees were removed at the Columbia Gas site along Pittsburgh Drive.

Mr. Glissman discussed the potential to look at trees to be planted in different areas throughout the city that attract honey bees.

Mr. Wolber provided an update on the annual report that was present to City Council at the April 24, 2017 meeting.

Mr. Wolber informed the Commission that Mayor Riggle suggested the planting of Cherry Tree's in the downtown area in honor of the Sister City relationship with Sakata, Japan.

Mr. Wolber discussed the developer's obligation to maintain landscape plans and discussed the balance between ecological conservation and economic development.

Vice-Chairwoman Wright discussed the possibility of having a future meeting at an on-site location to tour the greenhouse.

ITEM 9. PLAN REVIEWS

A. Coughlin Crossing Tree Replacement Plan - approved as submitted

ITEM 10. ADJOURNMENT

Motion: Chairman Olen moved to adjourn the meeting, seconded by Mr. Wolber.
The Shade Tree Commission meeting adjourned at 8:27 p.m.

Chairman Olen

Clerk

CHAPTER 1168. - TREE PRESERVATION REGULATIONS^[31]

Footnotes:

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Cross reference— Injury to growing things - see GEN. OFF. 541.06; Trees and shrubs - see S.U. & P.S. Ch. 907

1168.01. - Purpose.

These regulations are established in order to recognize the vital importance of tree growth in the ecological system, while allowing for reasonable development of lands in the City of Delaware and achieve, among others, the following purposes:

(a)

To ensure the preservation of existing trees and natural wooded areas and encourage replacement of damaged or removed trees so that City residents may benefit from a healthy urban forest. The benefits derived from tree preservation and replacement include:

(1)

Energy conservation;

(2)

Improved air quality;

(3)

Reduced noise pollution and light glare;

(4)

Enhanced habitat for birds and other desirable wildlife;

(5)

Improved control of soil erosion and moderation of water runoff;

(6)

Enhanced visual and aesthetic qualities; and

(7)

Increased property value.

(b)

To promote the preservation and replacement of existing trees and wooded areas in such a manner that the benefits listed in (a) above are realized.

(c)

To promote the preservation, replacement and/or augmentation of trees that might otherwise be damaged or removed in the course of land development and building construction.

(Ord. 04-92. Passed 6-14-04)

1168.02. - Applicability.

(a)

This chapter shall apply to trees that have a minimum six-inch diameter at breast height (DBH), also known as major trees, on all public and private properties, in all zoning districts, unless exempted below.

This chapter shall not apply to single-family residential lots of less than two (2) acres that existed prior to the date this provision takes effect.

(b)

No trees shall be removed from any parcel of land until a tree clearance permit has been issued by the Director of Planning and Community Development or designee, unless specifically exempted by the provisions of this Chapter.

(1)

Clearing of Land. No trees shall be removed from any parcel of land until a tree clearance permit has been issued signifying compliance with the regulations of this Chapter.

(2)

Clearing of Land Prior to Annexation. Trees removed from any parcel of land within one year prior to its annexation to the City of Delaware shall be subject to a tree replacement plan as if the parcel had been a part of the City when the tree removal occurred.

(3)

New Development or Construction. No building permit or certificate of zoning compliance shall be issued for any development or the construction of any building, structure or vehicular use without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this Chapter.

(4)

Substantial Alteration or Expansion of Existing Development. No building, structure or vehicular use area shall be substantially altered or expanded without it first being determined through the development plan review process that the proposed development is in conformance with the provisions of this chapter.

(c)

The fee for a tree clearance permit shall be established by the Fee Schedule in [Section 197.02](#). Collected fees shall be placed in the Tree Bank Fund. The Director of Planning and Community Development may waive the fee requirement for permits involving 10 trees or less.

(Ord. 02-55. Passed 5-13-02; Ord. 02-104. Passed 8-12-02; Ord. 04-92. Passed 6-14-04; [Ord. 13-60. Passed 10-14-13](#); [Ord. 14-126. Passed 12-22-14](#).)

1168.03. - Definitions. [Transferred to Chapter 1121 Definitions.]

1168.04. - Required preservation and replacement of major trees.

In all zoning districts, all major trees shall be preserved and/or replaced in compliance with the provisions of this chapter, unless exempted herein.

(a)

Each major tree removed during the course of the development of a lot shall be replaced by the owner of the lot with trees that have a total caliper equal to, or greater than, the total caliper of the removed major tree. In no case shall any replacement tree have a Diameter at Breast Height that is less than 1.75 inches. (Ord. 04-92. Passed 6-14-04)

(b)

The Director of Grounds and Facilities (or designee) shall approve the caliper, species, and health of all proposed replacement trees.

(c)

Failure to replace a major tree within two (2) years of the approval of the application referred to in subsection (a) shall be a misdemeanor for each separate failure to replace a tree.

(Ord. 04-92. Passed 6-14-04)

1168.05. - Tree replacement plan.

A tree replacement plan prepared in consultation with the Director of Grounds and Facilities shall be required as part of the applications for a tree removal permit and a certificate of zoning compliance. (Ord. 02-55. Passed May 13, 2002)

(a)

The tree preservation plan shall be drawn to an appropriate scale and include, at a minimum, the following information:

(1)

The location, common name, and size (DBH) of all existing major trees. The City may, at its discretion, accept an estimate of the number and size of trees on a site when the site exceeds three (3) acres. In considering estimates, the City may allow the use of techniques such as site photographs, aerial photographs, site visits, etc.

(2)

Identification of the tree preservation area(s), including all existing major trees that will be preserved and remain on site after construction and development.

(3)

Identification of all major trees that will be removed from the site as permitted by [Section 1168.06](#).

(4)

The location, common name, and size of all replacement trees to be planted on the site as required by [Section 1168.07](#).

(b)

If all required replacement trees cannot be accommodated on site, the plan shall indicate where and how the applicant will replace the balance of the required trees as required by [Section 1168.07](#).

(Ord. 04-92. Passed 6-14-04)

1168.06. - Removal of major trees.

(a)

The Director of Planning and Community Development (or designee) may approve the cutting down, removal, or destruction of a major tree when the tree interferes with the proper development of the lot, provided that the lot is the subject of application for approval of a zoning certificate, development plan, variance or conditional use permit; such application is approved; and one of the following applies: (Ord. 02-55. Passed May 13, 2002)

(1)

The tree is located within a proposed public right-of-way.

(2)

The proposed structure cannot be located in a manner to avoid removal of the tree and, at the same time, permit the desirable and logical development of the lot.

(3)

The tree is located within the area of a proposed driveway that will service a single-family or two-family home or is within the area of a proposed access drive that will service dwellings in a planned residential development, multi-family development, or planned multi-family development.

(4)

The tree is damaged or diseased.

(5)

The tree is an undesirable species in its present location.

Approval to remove a major tree does not remove the property owner's responsibility to replace the removed major tree. (Ord. 04-92. Passed 6-14-04)

(b)

Removal. A tree shall be deemed removed if one or more of the following occurs:

(1)

Damage is inflicted to the root system by machinery, storage of materials and/or soil compaction.

(2)

The natural grade is changed above or below the root system or around the trunk.

(3)

Damage is inflicted on the tree that would permit fungus or pest infection.

(4)

The tree is excessively pruned or thinned.

(5)

Areas are paved with concrete, asphalt or other impervious material within such proximity to the tree as to be harmful to the tree.

(Ord. 04-92. Passed 6-14-04)

1168.07. - Replacement of removed trees.

A developer or property owner shall replace all trees removed pursuant to [Chapter 1168](#) as follows, with the most desirable replacement option being listed first. A combination of replacement options is acceptable if all replacement trees cannot be accommodated on site. (Ord. 02-55. Passed May 13, 2002)

(a)

On-Site Replacement. A minimum of fifty percent (50%) of the required replacement trees shall be replanted in another location on the site from which the original trees were removed to maintain the remaining natural distribution of tree cover in the City.

(b)

Tree Bank Option. Although 100% on-site tree replacement is desired, if this is determined to be impossible or impractical, the remaining balance of required replacement trees shall be planted on a designated Tree Bank site.

(c)

Tree Bank Fund Option. If a Tree Bank site cannot accommodate the required replacement trees, the replacement fee for each tree shall be allocated to the Tree Bank Fund according to the schedule of fees established by Council.

(d)

Size of Replacement Trees. Each replacement tree shall have a minimum caliper of 1.75 inches and a clear trunk height of at least six (6) feet.

(Ord. 04-92. Passed 6-14-04)

1168.08. - Exemptions from replacement.

The Director of Planning and Community Development may approve the removal of a major tree if one of the following applies. Trees removed under the following conditions are exempt from the replacement requirements of [Section 1168.07](#).

(a)

The tree is dead, damaged, or diseased.

(b)

The tree is an undesirable species in its present location, as determined by the Director of Grounds and Facilities (or designee). (Ord. 02-55. Passed May 13, 2002)

(c)

The tree poses potential danger to life or property.

(Ord. 04-92. Passed 6-14-04)

1168.09. - Planting and maintenance requirements.

(a)

All trees to be used as replacement trees shall be of a variety determined to be acceptable by the Director of Grounds and Facilities (or designee). (Ord. 02-55. Passed May 13, 2002)

(b)

Replacement trees that may reach a height of thirty (30) feet shall not be planted within twenty (20) feet of an overhead power line.

(c)

Trees shall be planted an adequate distance from access drives and intersections so that, at full maturity, such planting shall comply with [Section 1149.06](#) to ensure the unobstructed visibility of motorists and pedestrians.

(d)

The developer shall be required to maintain all replacement trees for two (2) years after the trees are planted and to replace any tree that dies within such two-year guarantee period, according to the following:

(1)

Upon completion of the tree planting, the landscape contractor shall contact the Director of Grounds and Facilities to initiate the guarantee period. (Ord. 02-55. Passed May 13, 2002)

(2)

The guarantee period shall begin after the approval of the Director of Grounds and Facilities (or designee). (Ord. 02-55. Passed May 13, 2002)

(3)

A final inspection shall be made at the end of the two-year guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.

A.

The developer shall notify the Department of Grounds and Facilities within five (5) business days of the end of the guarantee period to schedule the final inspection.

B.

All trees not exhibiting a healthy, vigorous growing condition, as determined by the City's inspection, shall be replaced at the expense of the developer or builder.

C.

If the City determines that replacement of a tree is required, such replacement shall occur within thirty (30) days of the date the City's inspection report is submitted to the developer. The two-year guarantee period shall begin anew for each replacement tree.

(e)

Preserved or replacement trees shall not subsequently be removed from a site unless approved pursuant to [Section 1168.06](#) or exempted pursuant to [Section 1168.08](#) and the regulations of this Chapter.

(f)

Where applicable, the City may require the original owner of any property on which trees have been preserved or replaced according to the requirements of this Chapter to add a restrictive covenant to the deed that shall inform subsequent purchasers, lessees or occupants of the site that trees shall not subsequently be removed from a site except when approved pursuant to [Section 1168.06](#) or exempted pursuant to [Section 1168.08](#) and the regulations of this Chapter.

(g)

Failure to replace major trees as required by this Section within one (1) year of the approval of the application referred to in [Section 1168.02](#) shall be a misdemeanor for each separate failure to replace a tree.

(Ord. 04-92. Passed 6-14-04)

1168.10. - Coordination with required landscaping.

(a)

The tree preservation requirements of this Chapter shall be in addition to the landscaping and screening requirements of [Chapter 1166](#). (Ord. 02-55. Passed May 13, 2002)

(b)

The required tree preservation plan shall be coordinated with all landscaping required by [Chapter 1166](#) to achieve a cohesive landscape treatment for the entire site. (Ord. 02-55. Passed May 13, 2002; Ord. 04-92. Passed 6-14-04)

1168.11. - Flexibility.

The standards and criteria in this Chapter establish the City's objectives and the level of tree preservation expected. However, in applying these standards, the Planning Commission, Shade Tree Commission, and City Council may: (Ord. 02-55. Passed May 13, 2002)

Exercise discretion and flexibility with respect to the placement and arrangement of required elements to assure that the objectives of this chapter and the proposed development are best satisfied.

(Ord. 04-92. Passed 6-14-04)

Customer Service Requests
April 2017

Miscellaneous Inspections/Requests	1
Tree Debris Removal	2
Viability Inspections	4
Pruning	4
Stump Removal	1
Tree Removal	1
Total Service Requests	13