

City of Fayetteville Staff Review Form

C. 2
Amend §167.04 Tree Preservation and
Protection During Development and
§177.05 Street Tree Planting Standards
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City Council Agenda Items
and
Contracts, Leases or Agreements

7/17/2012

City Council Meeting Date
Agenda Items Only

Megan Dale MD
Submitted By

Park Planning / Urban Forestry
Division

Parks and Recreation
Department

Action Required:

Staff recommends approving the proposed ordinance amendments to Chapter 167: Tree Preservation and Protection and Chapter 177: Landscape Requirements.

N/A
Cost of this request

N/A
Category / Project Budget

N/A
Program Category / Project Name

N/A
Account Number

N/A
Funds Used to Date

N/A
Program / Project Category Name

N/A
Project Number

N/A
Remaining Balance

N/A
Fund Name

Budgeted Item

Budget Adjustment Attached

Armini Edmonstone
Department Director 6-29-12
Date

Previous Ordinance or Resolution # _____

Jan Kelley
City Attorney 7-2-12
Date

Original Contract Date: _____

Original Contract Number: _____

Paula Beuh
Finance and Internal Services Director 7-2-2012
Date

Received in City Clerk's Office 6-29-12 P03:56 RCVD
Uxy

Don Miller
Chief of Staff 7-3-12
Date

Received in Mayor's Office
ENTERED 7/2/12 RB

Donald Jordan
Mayor 7/3/12
Date

Comments:



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CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
 Connie Edmonston, Parks and Recreation Director *C.E.*
 Alison Jumper, Park Planning Superintendent *aj*

CC: Jeremy Pate, Development Services Director

From: Megan Dale, Urban Forester *(MD)*

Date: 29 June 2012

Subject: **Amendments to Chapter 167: Tree Preservation and Protection Ordinance and Chapter 177: Landscape Requirements**

PROPOSAL:

Chapter 167 of the Unified Development Code encourages tree preservation as our top priority during development. Since this cannot always be fully achieved, the City Council authorized tree mitigation (including street trees) and payment into the Tree Escrow Account for the cost to plant and maintain a mitigation tree for three years. Although the City had determined the normal cost to obtain and plant a replacement tree to be \$250.00, we did not have proper data to determine the reasonable maintenance costs to ensure the tree would survive three years. This would give the tree a much better chance to reach maturity.

Therefore, the City competitively bid out a large number of street trees to be maintained for three years. Maintenance includes pruning, mulching, watering and weed removal. The City Council approved this maintenance contract which established the approximate three year maintenance cost to be \$141.67 annually per tree or \$425.00 per tree for three years of maintenance. This figure should now be incorporated into the Tree Preservation and Landscape Regulations Chapters of the U.D.C. to replace the language: "the developer shall submit cost estimates" and "the reasonable maintenance costs to ensure each tree survives at least three years."

Using the newly determined fair market cost of \$425.00 per tree and eliminating the option of the developer submitting cost estimates will ensure a uniform and fair treatment for all developers who are approved to use the Tree Escrow Account to meet the requirement of the Tree Preservation Code.

With this change, when payments are made into the Tree Escrow Account, the developer shall pay \$250 as the price of each tree plus \$425 for three years of maintenance for a total of \$675 per tree required.

RECOMMENDATION:

Staff recommends approving the proposed ordinance amendments to Chapter 167: Tree Preservation and Protection and Chapter 177: Landscape Requirements.

BUDGET IMPACT:

The ordinance requirement will have not impact on the City budget. Rather, collecting a reasonable fee from developers for maintenance of trees will protect the City's urban forest infrastructure and provide for proper maintenance during the three year establishment period.

ORDINANCE NO. _____

AN ORDINANCE AMENDING § 167.04 TREE PRESERVATION AND PROTECTION DURING DEVELOPMENT AND § 177.05 STREET TREE PLANTING STANDARDS OF THE CODE OF FAYETTEVILLE TO PROVIDE A FIXED AMOUNT TO BE PAID INTO THE TREE ESCROW ACCOUNT RATHER THAN REASONABLE MAINTENANCE COST ESTIMATES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby amends the first paragraph of subsection (J)(4) of § 167.04 **Tree Preservation and Protection During Development** of the Code of Fayetteville, so that after amendment, it shall read as follows:

“(4) *Tree escrow account.* Tree preservation on-site is always the preferred option, with on-site mitigation, off-site preservation and off-site forestation to be considered in descending order only if the more preferred option cannot be fully achieved. If none of these options can completely fulfill a developer’s obligation under this Tree Preservation and Protection Chapter, the developer shall pay into the City Tree Escrow Account \$250.00 for each tree required to meet the Base Density requirements which fairly represents the costs of material and labor to plant a tree. The developer shall also pay into the Tree Escrow Fund \$425.00 as three years of maintenance costs to ensure each tree survives for that period of time. Tree planting and maintenance costs should be reviewed at least every four years to ensure it remains the fair market costs for tree planting and maintenance for three years.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends subsection (A)(2)(f) of § 177.05 **Street Tree Planting Standards** of the Code of Fayetteville, so that after amendment, it shall read as follows:

“(f) Approval of a Maintenance Agreement and Landscape Establishment Guarantee shall be contingent upon the Developer depositing with the City of Fayetteville one of the following: currency, bond, irrevocable letter of credit or other surety. The amount shall be equal to that provided in § 167.04(J)(4).”

PASSED and APPROVED this 17th day of July, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

