

**City of Fayetteville Staff Review Form**

**2015-0233**

**Legistar File ID**

**5/19/2015**

City Council Meeting Date - Agenda Item Only  
N/A for Non-Agenda Item

Ken Eastin

4/30/2015

Parks & Recreation /  
Parks & Recreation Department

**Submitted By**

**Submitted Date**

**Division / Department**

**Action Recommendation:**

Approval of a proposed ordinance amendment to UDC Chapter 167 to allow off-site mitigation trees to be planted in nearby parks, when expressly approved by City Council Resolution.

**Budget Impact:**

<hr/>		<hr/>	
Account Number		Fund	
<hr/>		<hr/>	
Project Number		Project Title	
<b>Budgeted Item?</b>	NA	Current Budget	\$ -
		Funds Obligated	\$ -
		Current Balance	\$ -
<b>Does item have a cost?</b>	NA	Item Cost	
<b>Budget Adjustment Attached?</b>	NA	Budget Adjustment	
		Remaining Budget	\$ -

V20140710

Previous Ordinance or Resolution # 

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Original Contract Number: 

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Approval Date: 

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Comments:

**MEETING OF MAY 19<sup>TH</sup> 2015**

**TO:** Mayor and City Council

**THRU:** Don Marr, Chief of Staff  
Connie Edmonston, Parks and Recreation Director  
Alison Jumper, Park Planning Superintendent

**FROM:** Ken Eastin, Urban Forester

**DATE:** April 30<sup>th</sup>, 2015

**SUBJECT: Amendment to Chapter 167: Regarding Off-site Forestation**

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**PROPOSAL:**

It is the purpose of Chapter 167 of the Unified Development Code to preserve and protect the health, safety, and general welfare, and to preserve and enhance the natural beauty of Fayetteville. The chapter outlines four (4) principles in which preservation is the first, best, and standard approach. Since preservation cannot always be fully achieved, the City Council authorized tree mitigation and payment into the Tree Escrow Account as additional ways to meet the tree preservation requirement.

Chapter 167.04 (J)(3) *Off-site forestation* currently allows the developer to plant mitigation trees required with the development *off-site*—that is, on another piece of land also owned by the developer. Although this is typically a very proper and reasonable requirement, there are times when a nearby city park and its neighboring citizens would benefit from the trees being planted on a publically owned and accessed property.

This proposal would allow an applicant / developer—at their request—to plant and maintain off-site mitigation trees needed for the development in a nearby city park, if expressly approved by City Council Resolution.

Per the attached language revision, the City Council would seek advice from the Urban Forester, Parks and Recreation Department staff, and citizens about the advisability of planting the trees within the nearby city park. Further, just as currently required of mitigation trees, the trees would be installed, managed and watered or irrigated by the applicant during the three year establishment period. The existing requirement of a three year surety for each mitigation tree would also remain.

**RECOMMENDATION:**

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

**BUDGET/STAFF IMPACT:**

The ordinance requirement will not have an impact on the City budget. The developer would install, manage, and water the trees approved for planting on park land, just as is currently required of mitigation trees planted on private land.

Attachments:

Existing Ordinance Language

Proposed Ordinance Language