

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: September 13, 2010
	Agenda Item No. 59 Roll Call No. <u>10-1508</u> Communication No. <u>10-561</u> Submitted by: William G. Stowe, Assistant City Manager--Public Works Director

AGENDA HEADING:

Approving Mitigation Supplement to Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy.

SYNOPSIS:

In August 2010, the Lower Union Park Sewer Separation Project sparked a review of Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy. Based upon that review, staff recommends Council adopt a Mitigation Supplement to the Policy to implement the following changes:

1. For purposes of the Policy, any tree over 12” in diameter at breast height ("DBH") removed on City property shall be deemed as a tree requiring mitigation unless the tree is removed because it is diseased, dead or dying.
2. When a City-owned tree, which qualifies to be mitigated under the Policy, is removed in the border area, as defined in Section 102-1 of the Municipal Code and the replacement trees required in mitigation of such removal cannot all be planted in such border area, the City shall make the excess replacement trees available to the owner of the adjacent property for planting on such property, subject to the following conditions:
 - a. The adjacent property owner shall be responsible for picking up the tree(s) at a time and place designated by the City.
 - b. The adjacent property owner shall be required to plant the tree on the private property adjacent to the border area in accordance with all laws, regulations and requirements.
 - c. If the tree should die within one year of planting, the property owner shall be entitled to a single replacement tree.

FISCAL IMPACT:

Amount: \$10,400 for Lower Union Park Sewer Separation Project alone.

Funding Source: 2010-2011 Capital Improvement Program Budget, CSS – Lower Union Park Sewer Separation Project, Fund EN104, Org PWK990000, page Sanitary Sewer Improvements - 7

ADDITIONAL INFORMATION:

In September 2009, Council approved the Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy. This Policy established the City Tree Replacement Fund and designated the value of a mitigated tree to be \$400 per tree. This Policy mirrored the Tree Removal and Mitigation Ordinance by requiring mitigation only for trees greater than 12” in diameter and listed on the Recommended Street Tree List found in the City of Des Moines Landscape Standards. This precluded mitigation for several varieties of large Elms, Walnuts, Crabapple Trees, etc.

In response to concerns about the trees to be removed pursuant to the Lower Union Park Sewer Separation Project, staff now recommends mitigating an additional 26 trees accounting for all species and varieties of trees greater than 12” in diameter under the Policy. Still excluded from mitigation requirements will be dead, diseased, and damaged trees.

The Mitigation Supplement to the Policy would allow, in instances of the border area where mitigation cannot be achieved by replanting any or all the mitigated trees within the border area, the City to make available the number of trees remaining from the net of required mitigation trees and those mitigated in the border area to the adjacent property owner for planting on the adjacent property. For example, if a 40” Linden Tree is removed from the right-of-way (ROW), it would require mitigation of four trees. If there is only room to replace one tree in the ROW, the remaining three trees will first be offered to the adjacent property owner for planting on their property. The homeowner may collect the trees at a designated location. Planting of trees on private property will be done by the homeowner. The trees will be of such a size that are more easily handled by the property owner, which typically is 1-1.5” in diameter.

PREVIOUS COUNCIL ACTION(S):

Date: September 14, 2009

Roll Call Number: 09-1681

Action: [Resolution](#) adopting Tree Preservation Principles for City Property, Public Improvement Projects and Utilities. ([Council Communication No. 09-663](#)) Moved by Meyer to adopt. Motion Carried 5-2. Nays: Cownie and Vlassis.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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