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Date August 24, 2009

RESOLUTION CLOSING PUBLIC HEARING ON PROPOSED ORDINANCES
TO ESTABLISH A COMPREHENSIVE SYSTEM FOR THE CONSIDERATION
OF TREE REMOVAL AND THE PLANTING OF REPLACEMENT TREES IN
THE REVIEW AND APPROVAL OF APPLICATIONS FOR GRADING PERMITS,
SITE PLANS, SUBDIVISION PLATS AND PLATS OF SURVEY

WHEREAS, on February 23, 2009, by Roll Call No. 09-287, it was duly resolved by the City Council that a proposal to amend Section 122-58, and to enact a new Article X to Chapter 42 of the City Code, to establish a permitting process for tree removal and to require the planting of replacement trees in mitigation of tree removal above certain thresholds be set down for hearing on March 9, 2009, at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register as provided by law on February 26, 2009; and,

WHEREAS, on March 9, 2009, by Roll Call No. 09-441, and on May 4, 2009, by Roll Call No. 09-793, the City Council continued the public hearing until July 13, 2009; and,

WHEREAS, on July 13, 2009, by Roll Call No. 09-1268, the City Council continued the public hearing until August 24, 2009, and adopted a recommendation from the City Manager to revise the ordinance then under consideration to eliminate the requirement to obtain tree removal permits and to instead establish a comprehensive system for the consideration of tree removal and the planting of replacement trees in the review and approval of applications for grading permits, site plans, subdivision plats and plats of survey; and,

WHEREAS, the revised proposal has been developed into two related ordinances which are now proposed for adoption; and,

WHEREAS, due notice of the revised proposal and of this hearing was published in the Des Moines Register on August 20, 2009; and,

WHEREAS, in accordance with the notices, those interested in the proposal, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

(continued)

Date August 24, 2009

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposal to create a comprehensive system for the consideration of tree removal and the planting of replacement trees in the review and approval of applications for grading permits, site plans, subdivision plats and plats of survey is hereby closed.

(Council Communication No. 09- *616*)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

From: Fostersdc@aol.com [mailto:Fostersdc@aol.com]
Sent: Friday, August 21, 2009 12:45 PM
To: Ludwig, Michael G.
Cc: SRamsay@treesforever.org
Subject: TREES FOREVER Comments of Proposed Tree Removal and Mitigation Ordinance(s)

Mike:

The Des Moines TREES FOREVER Ordinance Committee has reviewed the document you sent out recently. This draft introduces a couple of *new* loopholes for developers. Please include our comments in the Council Packet for Monday's meeting.

1. It exempts trees removed for purposes governed by city regulation which would include streets, utilities, storm detention areas and even building sites in subdivision and site plans making a mockery of mitigating tree removal on vegetated sites. The purpose of the ordinance is to require developers who acquire or seek to develop wooded sites to mitigate the tree removal, not to make them whole as if they had purchase non-wooded farmland. These exemptions have not been used in policies previously enforced by the P & Z.
2. Section D: It seems to allow wholesale removal of trees if the landowner doesn't "intend to develop the property," again allowing land speculators to clear trees without penalty.
3. 2,000 sq. ft. of canopied area. We were successful in getting a "mature tree" defined as 6"-11," but the standard for removal of canopied area of 2,000 sq.ft. is representative of a much larger tree--a canopied area approximately 45 feet in circumference. This option saves the developer considerable time and money in avoiding a field survey of 6"+ trees, and the standard should be much closer to the 6" tree--1,000 sq. ft. or approximately a 30 foot circumference. By the way, if we lower the standard to 1,000 sq. ft. the standard for mitigating trees removed without City approval should be reduced from 700 sq. ft. to 500 sq. ft.
4. Allowing variances by staff is a slippery slope. An example is the removal of trees for the Wakonda subdivision. P & Z allowed staff to consider a letter provided by a Master Arborist to determine final mitigation--staff permitted the developer to remove virtually all of the trees in the subdivided area when the Arborist asserted that his report did not recommend that all the trees be removed. Staff variances should be scrutinized and sanctioned by either the P & Z or Council.

Although this ordinance does not require a permitting process, it is still a major step in codifying P & Z procedures if the proposed loopholes can be removed.

Thanks for your support.

Tim Urban
 Ralph Connor
 Holly Craiger

CJ Stephens
 Randy Cook