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September 13, 2010

Date .....

RESOLUTION ADOPTING MITIGATION SUPPLEMENT TO TREE  
PRESERVATION PRINCIPLES FOR CITY PROPERTY,  
PUBLIC IMPROVEMENT PROJECTS AND UTILITIES POLICY

WHEREAS, on September 14, 2009, by Roll Call No. 09-1681, the City Council adopted a Tree Removal and Mitigation Ordinance codified in Chapter 42, Article X of the City Code, and adopted a “Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy” to address tree removal and mitigation or preservation methods during private development and public projects; and

WHEREAS, the City Council declared that the purpose of the code changes were to encourage the preservation of canopied areas and mature trees on private land, and to require the preservation or mitigation of trees during the development process; and

WHEREAS, the “Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy” was adopted as the City’s official policy regarding the preservation and planting of trees on City property and the preservation and replacement of trees in the design and implementation of public works projects; and

WHEREAS, the City Manager is now recommending a Mitigation Supplement to the Policy to address mitigation where it is necessary to remove trees from the border areas, as defined in Section 102-1 of the Municipal Code, and it is not possible to mitigate that tree loss by replanting trees within the border area; and

WHEREAS, this City Council is interested in mitigating the loss of those trees in the border areas in recognition of the value trees contribute to the human and animal environment and its recognition of trees increasing property values, maintaining the natural ecology, tempering the effects of extreme temperatures and winds, reducing runoff, preventing erosion and helping create and maintain the identity and visual character of the City; and

WHEREAS, in recognition of the value of trees and the loss of the trees in the border areas, the Mitigation Supplement to the Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy provides for the mitigation of trees removed from the border area that cannot be mitigated or replaced in the affected border area, by making available replacement trees in accordance with the Supplemental Policy, for planting on adjacent private property.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA, that the Mitigation Supplement to Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy, which is on file and available for public inspection in the office of the City Clerk, is hereby approved and adopted, in recognition of the value trees contribute to property values, maintaining the natural ecology, tempering the effects of extreme temperature and winds, reducing runoff, preventing erosion and helping create and maintain the identify and visual character of the City.

Moved by \_\_\_\_\_ to adopt.

APPROVED AS TO FORM:

(Council Communication No. 10-561 )



Kathleen Vanderpool  
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

**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.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

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

This supplements the Tree Preservation Principles for City Property, Public Improvement Projects and Utilities Policy (hereinafter "the Policy") adopted by the City Council on September 19, 2010, by Roll Call No. 09-1681. The Policy established a City Tree Replacement Fund (CTRF) in order to apply the principles of mitigation to public infrastructure projects. To the extent there is any inconsistency between the Policy and this Mitigation Supplement, this Mitigation Supplement controls.

1. For purposes of the Policy, any tree removed over 12" in diameter at breast height ("DBH") 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.
  - d. If the adjacent property owner elects to plant the trees on private property, there shall be no payment for those mitigated trees to the CTRF.