



DATE: November 30, 2015

TO: Michael G. Herring, ICMA-CM
City Administrator

FROM: James A. Eckrich, P.E. *JAE*
Public Works Director / City Engineer

RE: Street Tree Policy - Replanting

As you know, on November 16, 2015 the City Council approved a Preparedness Plan and Action Strategy (Plan) for the removal of Ash Trees which will be impacted by the Emerald Ash Borer (EAB). That Plan included a reforestation component within which the City will reimburse residents up to \$200 to plant a replacement Street Tree. In accordance with the Plan, as modified by the Planning and Public Works Committee, residents will have the option to plant replacement trees at approved locations within the public right of way OR on private property within eight feet of the back of sidewalk. This modification was approved for many reasons, including reduced future liability to the City and to provide additional options for residents in cases where the physical limitations of the right of way are too restrictive to allow a tree to thrive. As recommended by the Planning and Public Works Committee, street trees in all future subdivisions will be located outside the public right of way. *←*

In order to enact the Street Tree Policy change, Staff has drafted a revised Street Tree Policy (Public Works Policy #5 - attached). I recommend approval of the new Policy, which will provide up to a \$200 reimbursement for qualifying replacement trees. Please note that this new Policy will have no impact to the Nuisance Tree removal program (Public Works Policy #51 – attached). Residents desiring removal of a nuisance tree will still qualify for a replacement tree under the provisions of revised Public Works Policy #5.

Action Recommended

This matter should be forwarded to Planning and Public Works Committee for consideration. Should PPW concur with Staff's recommendation, it should vote to recommend approval to the full City Council.

Cc: Michael O. Geisel, Director of Public Services

*✓ MGH
11/30/15*

**CITY OF CHESTERFIELD
POLICY STATEMENT**

PUBLIC WORKS

NO. 5

SUBJECT Street Trees

INDEX PW

DATE ISSUED 11/19/1990

DATE REVISED 12/4/2006
11/24/2015

Section 1- General

The owner of a residential property that abuts a public street controlled by the City of Chesterfield may be eligible for funding for a Street Tree through the City of Chesterfield’s Residential Street Tree Program (Program). Due to the impacts of the Emerald Ash Borer (EAB), the Program currently only allows for the replacement of Street Trees on a “one-for-one” basis where a tree has been removed. In these cases, the Program provides a maximum \$200 per tree reimbursement for the planting of trees (that meet the requirements herein) within or near City right of way within residential subdivisions. Commercial and industrial properties are not eligible for the Program. Further, the Program is contingent upon annual funding by the City of Chesterfield City Council. The existence of the Program in no way obligates annual funding.

Section 2 – Location

Within new subdivisions (those platted after the effective date of this Policy) Street Trees will be installed on private property, but within eight feet of the property / right of way line. The location for these trees can be further broken down as follows:

- No Sidewalk – The tree must be located in private property within eight feet of the right of way / property line.
- Sidewalk within Right of Way – The tree must be located in private property within eight feet of the right of way / property line, but not within four feet of the edge of sidewalk.
- Sidewalk outside Right of Way but within Easement – The tree must be located on private property, no less than four feet, but not greater than eight feet, from the edge of sidewalk.

Within existing subdivisions (those platted prior to the effective date of this Policy) Street Trees exist within the public right of way. In instances when the City has to remove a tree within the public right of way, residents will have the option to replace that right of way tree on a one-for-one basis. Residents desiring a replacement tree have the option of placing the new tree in another location within the public right of way, or placing the tree on private property in accordance with the criteria above. Regardless of whether the new tree is located

on private property or public right of way, the following requirements shall be adhered to:

- The tree planting area must be a minimum of five feet wide.
- Trees cannot be closer than three feet from the back of curb.
- Trees cannot be planted within 25 feet from any streetlight.
- Trees cannot be planted within ten feet of any manholes or storm water facilities.
- Trees cannot be planted directly beneath overhead utility lines.
- Trees cannot be planted within thirty feet of the intersection between two existing public rights of way (sight distance triangle).
Exceptions can be made to this provision when trees, at maturity, will have no branches within seven feet of the adjacent grade and pavement elevation.

Section 3 – Tree Selection

Residents desiring a tree can choose a tree species from the table below. It is recommended that residents choose a tree with a minimum caliper of 2.5 inches. It is also recommended that residents help increase tree diversity by choosing a type of tree which is not overplanted in the area. The City Arborist is available to assist any resident in choosing the tree type and size.

Latin Name	Common Name
<i>Acer platanoides</i>	Maple, Norway
<i>Acer saccharum</i> Varieties	Maple, Sugar and Varieties
<i>Alnus glutinosa</i>	Alder, European
<i>Carpinus betulus</i>	Hornbeam, European
<i>Carpinus caroliniana</i>	Hornbeam, American
<i>Celtis laevigata</i>	Sugarberry
<i>Celtis occidentalis</i>	Hackberry
<i>Cladrastis kentukea</i>	Yellowwood
<i>Crataegus laevigata</i> 'Superba'	Hawthorn, Crimson Cloud
<i>Eucommia ulmoides</i>	Hardy Rubbertree
<i>Fagus grandiflora</i>	Beech, American
<i>Ginkgo biloba</i> - Male	Ginkgo (male)
<i>Gleditsia triacanthos</i> <i>inermis</i> - Thornless, Podless Varieties	Honeylocust - Varieties that are Thornless & Podless

Latin Name	Common Name
<i>Koelreuteria</i> <i>paniculata</i>	Goldenraintree
<i>Platanus x acerifolia</i>	Planetree, London
<i>Ostrya virginiana</i>	Hophornbeam
<i>Quercus accutissima</i>	Oak, Sawtooth
<i>Quercus bicolor</i>	Oak, Swamp White
<i>Quercus coccinea</i>	Oak, Scarlet
<i>Quercus imbricaria</i>	Oak, Shingle
<i>Quercus michauxii</i>	Oak, Swamp Chestnut
<i>Quercus muehlenbergii</i>	Oak, Chinkapin
<i>Quercus robur</i>	Oak, English
<i>Quercus rubra</i>	Oak, Red
<i>Quercus shumardii</i>	Oak, Shumard
<i>Tilia cordata</i> Varieties	Linden, Littleleaf and Varieties
<i>Ulmus americana</i> Varieties	Elm, American and Varieties
<i>Ulmus parvifolia</i>	Elm, Chinese (Lacebark)
<i>Zelkova serrata</i> Varieties	Zelcova and Varieties

Section 4 – Application and Reimbursement

During the EAB crisis, which is expected to last from 2016 through 2022, only those residents who have Street Trees removed will be eligible for replacement trees.

Residents will be notified of tree removal via letter from the City's Arborist. That letter will contain information on how residents can apply for a replacement tree.

Generally the owner, not tenant, must submit an application for a Street Tree Reimbursement. The application packet can be found on the City of Chesterfield's website at www.chesterfield.mo.us. Applications can also be obtained at Chesterfield City Hall during regular business hours. The application will be reviewed by the City Arborist to determine eligibility for a replacement tree.

If the resident is eligible for a replacement tree(s), a list of licensed and bonded tree companies is available on the City website. The resident may choose to use one of these companies, or another company of his/her choosing. Whichever company is chosen, the contract for service will be exclusively between the resident and the contractor, including specification, scheduling, and payment. Please be advised that all contractors must call for utility locates prior to planting a tree within or near the public right of way. No Special Use Permit will be necessary from the City

Once the tree has been installed, the resident must notify the City and submit a receipt in order to request reimbursement. The City's Arborist will determine whether the location of the tree conforms to Section 2, and whether the type of tree conforms to Section 3. If the requirements are met, the City will submit a reimbursement to the resident for actual costs incurred in an amount not to exceed \$200.

Regardless of whether the tree is planted on public right of way or private property, the City of Chesterfield will not water, maintain, or replant the new tree. The tree must be maintained by the resident. Should the tree die, it will be the resident's responsibility to remove the tree. There will be no additional tree reimbursements.

Section 5

This Policy is intended to comprehensively cover Street Trees. Any questions regarding the Policy should be directed to the City Arborist. Interpretations or exceptions to the Policy should be submitted to the Public Works Director / City Engineer.

RECOMMENDED BY:

Department Head/Council Committee (if applicable)

Date

APPROVED BY:

City Administrator

Date

City Council (if applicable)

Date

Existing Policy

CITY OF CHESTERFIELD
POLICY STATEMENT

PUBLIC WORKS

NO. 5

SUBJECT Street Trees

INDEX PW

DATE 11/19/1990
ISSUED

DATE 12/4/2006
REVISED

POLICY

Street tree selection criteria should include tree height and form, adaptation to soils and climate, moisture requirements, disease and insect susceptibility, size of flowers, fruit, nut or seed pod, root characteristics, and susceptibility to calcium chloride and sodium chloride.

The following trees are approved for use as Street Trees:

Latin Name	Common Name
<i>Acer platanoides</i>	Maple, Norway
<i>Acer rubrum</i> Varieties	Maple, Red and Varieties
<i>Acer saccharum</i> Varieties	Maple, Sugar and Varieties
<i>Alnus glutinosa</i>	Alder, European
<i>Carpinus betulus</i>	Hornbeam, European
<i>Carpinus caroliniana</i>	Hornbeam, American
<i>Celtis laevigata</i>	Sugarberry
<i>Celtis occidentalis</i>	Hackberry
<i>Cladrastis kentukea</i>	Yellowwood
<i>Crataegus laevigata</i> 'Superba'	Hawthorn, Crimson Cloud
<i>Eucommia ulmoides</i>	Hardy Rubbertree
<i>Fagus grandiflora</i>	Beech, American
<i>Fraxinus americana</i> Varieties	Ash, White and Varieties
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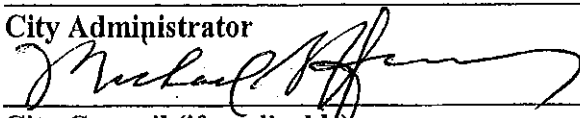
Latin Name	Common Name
<i>Koelreuteria</i> <i>paniculata</i>	Goldenraintree
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<i>Quercus imbricaria</i>	Oak, Shingle
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<i>Quercus muehlenbergii</i>	Oak, Chinkapin
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<i>Ulmus americana</i> Varieties	Elm, American and Varieties
<i>Ulmus parvifolia</i>	Elm, Chinese (Lacebark)
<i>Zelkova serrata</i> Varieties	Zelkova and Varieties

RECOMMENDED BY:


Department Head/Council Committee (if applicable)

12/5/06
Date

APPROVED BY:

City Administrator

City Council (if applicable)

Date
12/4/06
Date

**CITY OF CHESTERFIELD
POLICY STATEMENT**

PUBLIC WORKS		NO.	51
SUBJECT	Street Tree Removals	INDEX	PW
DATE ISSUED	6/1/2009	DATE REVISED	5/5/2014

POLICY

The Department of Public Services is responsible for identifying trees within the right of way which are to be removed. Department personnel shall determine the condition of a street tree by visual inspection. If Department Staff determines that a street tree is hazardous, dead, dying or diseased, Staff shall prioritize and schedule the removal of the street trees to the extent that funding permits.

Priority for removal shall be given to those street trees that pose an immediate, imminent or potential danger to the safety and welfare of the general public.

In general, the City does not permit the removal of an otherwise healthy tree within the right of way. If a property owner desires to remove a healthy tree within the right of way, adjacent to his\her property, the Public Works Director MAY authorize a no cost special use permit for the property owner to remove the tree at no cost to the City. All other permit conditions and insurance requirements will be as required by the Public Works Director.


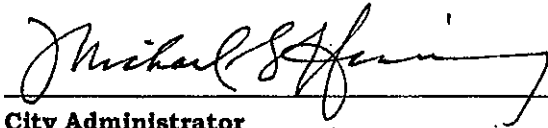
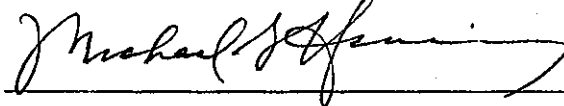
In some instances, otherwise healthy trees may become a nuisance. The Public Works Director may remove trees which, in his opinion, are detrimental to the public interests. Examples of such potential nuisances include but are not limited to: obstructing sight distance, shielding street lights, damaging sidewalks or sewers, low hanging branches which provide inadequate sidewalk or street clearance, deposition of pods, fruit or seeds, and trees with thorns.

Although not an approved species for new street trees within the City of Chesterfield, there exist a substantial number of Sweetgum trees throughout the City. Due to problems related to the prickly fruit which are unique to this tree species, some residents desire their removal. When a resident requests

removal of an otherwise healthy Sweetgum tree located within the City's public right of way, The Public Works Director may consider its removal under the following conditions:

- 1) The resident participates in the street tree replacement program. A replacement tree must be selected and the appropriate fee paid for each tree requested to be removed.
- 2) The Public Works Director, or his designee shall attempt to communicate with the Subdivision trustees and advise them of the requested removal. While the ultimate authority and decision to remove the tree rests with the Public Works Director, the trustees may provide additional information, awareness and assistance for the Director to make an appropriate decision.
- 3) The City of Chesterfield takes pride in its tree lined streets and is desirous of maintaining the character of neighborhoods. Whenever possible, the Public Works Director should consider recent removals of street trees in the immediate vicinity and attempt to minimize the impact of the tree(s) removal on the overall character of the community.

RECOMMENDED BY:

 PPW Committee _____ Department Head/Council Committee (if applicable)	<u>5/5/2014</u> Date
 _____ City Administrator	<u>5/5/2014</u> Date
 _____ City Council (if applicable)	<u>5/5/2014</u> Date

Memorandum

Planning & Development Services Division



To: Planning and Public Works Committee

From: Jessica Henry, Project Planner

Date: December 4, 2015

RE: Unified Development Code Article 4 Tree Preservation and Landscape Requirements—Street Tree Updates

Summary

In conjunction with the revised Street Tree Policy being presented by the Public Works Director and City Arborist, updates to Article 4 Tree Preservation and Landscape Requirements of the Unified Development Code (UDC) are necessary. The proposed updates serve to align the UDC with the proposed Street Tree Policy; no other updates apart from those related to the Street Tree Policy are proposed at this time.

Apart from minor housekeeping items, the updates can be summarized as follows:

- Conceptual Landscape Plans are no longer necessary;
- Additional language pertaining to redevelopment is proposed under Section 04-01.G (4);
- Figure 1: Buffer Requirements under Section 04-01.K (2) has been revised to remove street trees from the right-of-way area; and
- Table 4 under Section 04-01.J (4) has been revised to reflect the updated location for street trees.

Attached to this report please find a redline version of the individual pages of the Unified Development Code where updates are proposed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jessica Henry'.

Jessica Henry, AICP
Project Planner

Attachment

1. Draft Code Updates

D. Overview of Submittal Process.

Development Process	Plan Submittal	Staff Action	Decision Making Authority
Zoning Map Amendment or Special Procedure	Tree Stand Delineation (TSD)	Review/Recommendation	N/A
Site Development Concept Plan	TSD, Tree Preservation Plan (TPP), Conceptual Landscape Plan	Review/Recommendation	Planning Commission
Site Plan/Site Development Plan/Site Development Section Plan	TSD, TPP, Landscape Plan	Review/Recommendation	Planning Commission or Staff
Special Conditions Request	Mitigation Plan	Review	Staff
Municipal Zoning Approval	TSD, TPP (except where specifically exempted)	Review	Staff
Grading Permit/Improvement Plan	The Approved TPP	Review	If modification requested is 10% or less: Staff reviews and may approve in part or whole and mitigation may be required. If modification requested is more than 10%: Planning Commission reviews
Bond Release	N/A	Staff reviews site against approved Landscape Plan and TPP	Staff

E. Protection of Public or Private Trees.

1. It is unlawful for any person to attach any sign, advertisement, notice, fence or any other man-made object to any tree in the public right-of-way, park or any other City property. Exceptions: temporary devices used for normal installation or maintenance of planted trees or as permitted by the City of Chesterfield.
2. It is unlawful for any person to damage, cut down, destroy, top or injure any tree without first obtaining the necessary approval from the City of Chesterfield. If any tree, shrub or plant is damaged, removed, or destroyed without first acquiring approval from the City of Chesterfield, this shall constitute a violation of Section 04-02 of this Article and a fine shall be

assessed based upon the value and number of each tree, shrub or plant which was removed, damaged, or destroyed. Tree values shall be based on procedures in "Guide for Plant Appraisal," latest edition, published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account in accordance with Section 04-02.M. of this Article.

- a.) Trees may not be removed from any "Common Open Space" or "Greenspace Preservation Area" unless authorized by the City of Chesterfield.
 - b.) This provision shall not apply to any ordinary care and maintenance or removal of hazardous trees or tree parts by a governmental entity or its designee authorized to exercise jurisdiction over the right-of-way, park or other infrastructure, public property, or to provide regular road maintenance.
3. The Planning and Development Services Director has the authority to order the removal of trees or shrubs on private property which may endanger life, health, safety, or property of the public.
- a.) Removal shall be done by owners at their expense within 60 days after the date of notice served.
 - b.) Disposal of trees with communicable diseases shall be performed in a manner which prevents the spread of disease.
 - c.) In the event the owners fail to comply with such provisions, the City shall have the authority to remove such trees and charge the costs of removal as well as any costs for fees to record or release any lien and reasonable administrative costs, as a special assessment represented by a special tax bill against the real property affected, and shall be filed by the City Clerk and deemed a personal debt against the property owner and shall remain a lien on the property until paid.
4. The Public Works Director may authorize the removal of street trees in the public rights-of-way for public or private construction projects.
5. When deemed appropriate due to the nature of the existing vegetation on the site, the City may require the Applicant to provide a landscape or forestry study by an Independent Tree Specialist.
- F. Tree Stand Delineation (TSD).
1. Purpose. The purpose of the TSD is to provide a general accounting of existing vegetation so that a conceptual design of the proposed development can be done.

may be required to submit a letter stating the acreage, the work proposed and that no tree mass is being disturbed. If there are trees on site, a partial TSD and partial TPP is acceptable.

4. Criteria. The following items are required on a TPP:

- a.) A minimum 30% of any wooded area shall be maintained as protected wooded area without disturbing the roots of trees within the protected wooded area.
- b.) The Applicant shall save tree groupings within wooded areas to maintain the trees' structural integrity and natural aesthetics.
- c.) The Applicant shall not include any trees or wooded area in building areas, in areas with proposed or existing utilities, or rights-of-way as "preserved" or "protected" to satisfy the canopy coverage requirements.

d.) In order to minimize interference with overhead utility lines, all trees located within existing and proposed easements that are anticipated to include overhead utility lines, shall be removed by the Applicant, so as to limit the potential for damage to utility distribution facilities. Specific trees and landscaping materials may be retained if, as approved by the Planning and Development Services Director, they will not damage or interfere with the delivery of utility service at normal mature height.

d.)e.) In order to eliminate ongoing maintenance needs for trees located in public ROW, all trees located in existing and proposed ROW shall be removed by the applicant. Specific trees and landscaping materials may be retained as approved by the Planning and Development Services Director.

5. Plan Requirements. The following is a list of all items and information that must be included in the TPP.

- a.) Provide detailed description and location of individual and groups of trees to be preserved and the proposed protection measures.
- b.) Plan must be at the same scale as the site plan or grading plan.
- c.) Signed and sealed by a Missouri Landscape Architect.
- d.) Table listing the following:
 - (1) The total site area.
 - (2) The existing tree canopy coverage, excluding the area in easements, ~~and~~ rights-of-way, ~~with and under~~ overhead utility lines, as described in Section 04-02.G.4 of this Article.

published by the International Society of Arboriculture. Monies collected from fines will be placed in the Tree Preservation Account in accordance with Section 04-02.M. of this Article.

3. Should any tree die, or be damaged beyond repair, as a result of grading or construction within a two (2) year period after cessation of grading or completion of the required improvements, whichever is less, the Applicant shall be responsible for replacing the tree. Failure to replace shall constitute default and the City of Chesterfield shall be entitled to proceed against the tree protection surety.
4. Refer to Section 04-02.L. of this Article for Surety and Escrow Procedures.

J. Plant Selections.

1. All trees shall be selected from the City of Chesterfield Tree List provided in this Article.
2. All trees within ~~five-eight~~ (58) feet of existing or proposed rights-of-way or public sidewalks shall be taken from the Street Tree category in the City of Chesterfield Tree List.
3. A variety of trees from the City of Chesterfield Tree List must be utilized so that there is a mix of tree species, growth rate, and tree size.
4. A minimum of 30% of the trees must be of a species with a slow or medium growth rate.
5. For projects in which more than 50 trees will be installed, a variety of tree species within each category of deciduous, evergreen, and ornamental trees must be utilized. Each of the three categories shall provide a minimum of 20% of the total trees to be planted. No more than 20% of the trees selected shall be from the same species. For projects that require only street trees, no one species shall comprise more than 20% of the total trees to be planted.

K. Landscape Proposals.

Landscape plans must be submitted to the Department in conjunction with a proposed development or redevelopment. A Conceptual Landscape Plan must be submitted with the Site Development Concept Plans.

1. Landscape Plan Requirements. The information to be submitted as a part of the landscape plan shall include but not be limited to the following:
 - a.) The landscape plan shall be of the same size and scale as the applicable site plan(s) submitted to the City.
 - b.) The landscape plan shall be produced by a Missouri Landscape Architect, whose name and seal are attached.

- c.) Trees shall be selected from the City of Chesterfield Tree List.
- d.) All proposed deciduous trees and ornamental trees shall be a minimum caliper of two-and-one-half (2.5) inches, and evergreen trees shall be a minimum of six (6) feet in height.
- e.) Tree locations, species, and numbers shall be identified on the scaled drawing. ~~A Conceptual Landscape Plan only indicates the proposed landscaping along arterial and collector roadways.~~
- f.) Trees shall be selected according to Section 04-02.J. of this Article.
- g.) Elevations and plan views of proposed landscaping shall be provided as requested by the City of Chesterfield.
- h.) The landscape plan shall include a legend identifying the symbols for the various types of trees.
- i.) The landscape plan shall show the location of any easements or utilities.
- j.) Protection measures must be identified around all trees required to be retained.
- k.) The landscape plan shall list the percentage of open space in relation to total area of the site.
- l.) The landscape plan shall include a summary table for all plant materials listing Common and Scientific name and variety, Deciduous, Evergreen or Ornamental, Quantity, Maturity, Height and Caliper.
- m.) Plant selection shall comply with all other applicable Sections of the UDC.

2. Landscape Buffers, Setbacks, Berms or Walls.

- a.) Landscape buffers are required per the criteria set forth in Table 2 below. Landscape buffers shall contain a combination of deciduous trees, evergreen trees, ornamental trees and shrubs and should enhance and preserve native vegetation.

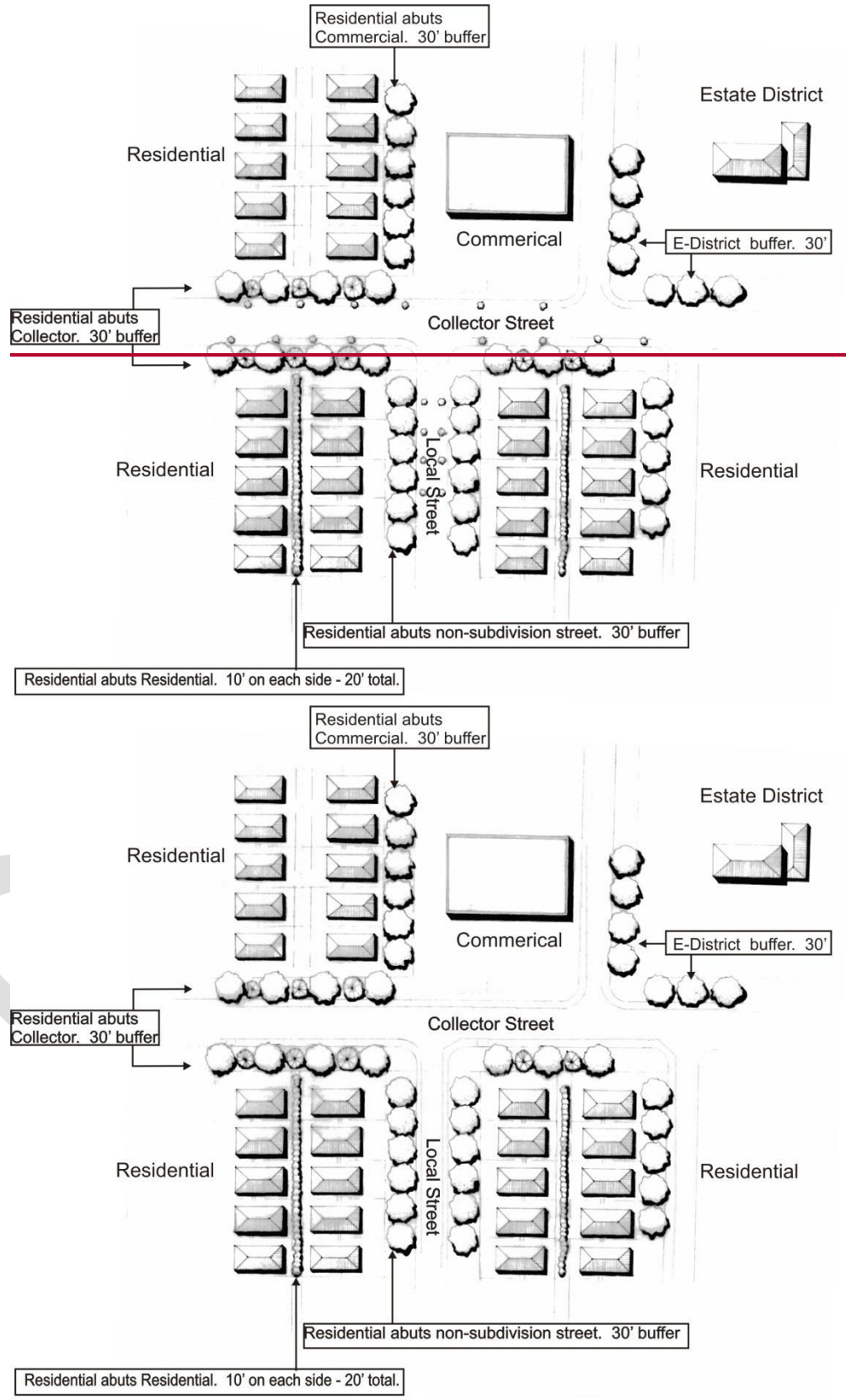


Figure 1: Buffer Requirements

- (3) Vehicular areas along a collector or arterial roadway shall have a minimum landscape setback of 30 feet from existing or proposed rights-of-way lines.
- (4) Parking islands are not required to have a tree in instances where the adjacent parking spaces are within 50 feet of a tree in other areas of the development.
- (5) Trees planted in parking islands at no time shall block the required sight lines for motorists.

4. Street Trees, Shrubs and Plantings.

- a.) The use of street trees and shrubs in landscaping for residential and non-residential developments shall adhere to the requirements set forth by Table 4 in this Article. Acceptable street trees for residential and non-residential subdivisions are included in the City of Chesterfield Tree List provided in this Article and may be amended by Council Policy as needed.
- b.) The Planning and Development Services Director may require that street trees be provided for all public streets within and adjacent to any proposed development where insufficient street trees presently exist. Proper approvals and permits must be obtained from the applicable agency. Planting locations will be guided by specifications found herein.

TABLE 4: Street Tree Placement for Residential and Non-Residential Developments

Frontage Requirement	A minimum of one (1) street tree for every 40 feet of lot frontage for single family subdivisions and 50 feet of street frontage for multi-family subdivisions, including common land, and non-residential subdivisions.
Size Requirement	Street trees shall be at least two-and-one-half (2 ½) inches in caliper.
Species Utilized	A maximum of 20% of one species may be utilized for street trees.
Location to right-of-way	Street trees shall be located <u>along lot frontage, outside of the right-of-way, no greater than eight (8) feet from the right-of-way. within a street right-of-way unless so approved by variance.</u>
Location to curb and sidewalks	Street trees shall not be planted closer than three (3) <u>feet to any curb four (4) feet from any sidewalk.</u>
Location to street lights, street signs, and intersections	Street trees shall not be placed within 25 feet of street lights, street signs and intersections.
Location to street inlets or manholes.	No trees shall be planted within ten (10) feet of street inlets or manholes.