

City of Richmond, Michigan

Woodlands and Tree Preservation

Tree Permit Information & Application

ARTICLE IV. WOODLANDS AND TREE PRESERVATION

Sec. 98-81. Woodlands and Tree Protection Findings; Purpose; Definitions.

- (a) **Findings.** The City of Richmond finds that rapid growth, the spread of development and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees, woodlands and other forms of vegetation and natural resources and processes associated therewith which if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreational, health, and economic assets to existing and future residents of the city. Specifically, the city finds:
- (1) That trees and woodlands protect public health through the absorption of air pollutants and contamination, by the reduction of excessive noise and mental and physical damage related to noise pollution, and through their cooling effect in the summer months;
 - (2) That trees and woodlands are an essential component of the general welfare of the city by maintaining natural beauty, recreational opportunities, wildlife habitat, and irreplaceable heritage for existing and future city residents;
 - (3) That trees and woodlands play an important role in filtering waste water which passes through the ground from the surface to ground water tables and lower aquifers;
 - (4) That trees and woodlands, through their root systems, stabilize the soil and play an important and effective part in city-wide soil conservation, erosion control, and flood control;
 - (5) That trees and woodlands appreciably reduce the carbon dioxide content and increase the oxygen of the air and play a vital role in purifying the air;
 - (6) That the protection of such natural resources is a matter of paramount public concern, as provided by Article IV, Section 52 of the Constitution of the State of Michigan and the Michigan Environmental Protection Act MCL 324.1701 et seq.
- (b) **Purposes.** The purposes of this section are:
- (1) To provide for the protection, preservation, proper maintenance and use of trees and woodlands located in this city in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or from the destruction of the natural habitat;
 - (2) To protect the trees, woodlands, and other forms of vegetation of this city for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character, ecological or historical significance;
 - (3) To provide for the paramount public concern for these natural resources in the interest of the health, safety and general welfare of the residents of this city.
- (c) **Definition of terms.** The following definitions shall apply in this section:

Activity shall mean any use, operation, development, or action caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structure; depositing or removing material; dredging; ditching; land balancing; draining or diverting of water, pumping or discharge of surface water; grading; paving; tree removal or other vegetation removal; excavation, mining or drilling operation.

Caliper shall mean the trunk diameter measured six inches above the ground on trees that are four inches in caliper or smaller.

City shall mean the City of Richmond.

Construction zone shall mean areas on the site where disturbance will occur including but not limited to clearing, grubbing and grading activity, street right-of-way improvements and any activity involved in utility, parking lot, retention and building construction.

Department shall mean the City of Richmond Planning Department.

Development shall mean man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

D.B.H. shall mean diameter at breast height or the diameter in inches of a tree measured at four and one-half feet above the existing grade for trees with trunks in excess of four inches in diameter measured at six inches above the ground.

Drip line shall mean an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

Grubbing shall mean the effective removal of understory vegetation from a site.

Land clearing shall mean those operations where trees and vegetation are removed and which occur previous to construction or building; e.g. road right-of-way excavation, utility excavation, grubbing, and any other necessary clearing operation.

Landmark tree shall mean a tree of the Genus and/or species and diameter listed in section 98-82(j) of this article, and any tree of 24 inches D.B.H. or greater, which meet the health/condition criteria of section 98-82(k) of this article.

Person shall mean any individual, firm, partnership, association, corporation, company, organization, or legal entity of any kind conducting operations within the City of Richmond, including all tree removal companies and persons removing trees on behalf of others.

Remove or removal shall mean the act of removing a tree by digging up or cutting down, or the effective removal through damage to the tree or its root system.

Replacement tree shall mean any wood plant having at least one well defined stem at least three inches in caliper for deciduous trees, and ten-foot height for evergreen trees.

Transplant shall mean the digging up of a tree from one place on a property and the planting of the same tree in another place on the same property, in accordance with city tree transplanting standards and specifications.

Tree shall mean a woody plant with an erect perennial trunk, which at maturity is 13 feet or more in height, which has a more or less definite crown of foliage.

Woodlands area shall mean either:

- (1) An area of land two contiguous acres or larger which is covered by at least 50 percent tree canopy from one or more groups of trees which have a natural understory and the remainder of the area not within the tree canopy is covered by other natural vegetation; or
- (2) An area meeting the requirements of subparagraph (a) above but no less than one-half acre but no more than two acres in size and said area must meet one or more of the following criteria:
 - a. The area acts as a major buffer for residential property.
 - b. The area is a significant entry landmark to a residential subdivision or other prominent public area which in its absence would have a significant negative impact on the area.
 - c. The area is an important greenbelt linkage between other natural areas for pedestrians, recreational activities and/or wildlife.
 - d. The area has high environmental value due to unusual topography, diversity of habitat, unique beauty, rare plant species or unusually large quality trees.

(Ord. No. 142, § 1, 12-7-98)

Sec. 98-82. Tree Protection, Removal, and Replacement.

(A) Permit Required.

- (1) It shall be a violation of this article for any person, except as otherwise provided herein, to remove a tree or trees or cause a tree to be removed in the city without a tree permit issued by the department in accordance with this article.
- (2) A tree permit shall be required for the following:
 - a. The removal, relocation or destruction of any tree, except as otherwise exempt, under section 98-82(e).
 - b. The construction of any structure, the depositing of any materials, land clearing, grubbing or grading within the drip line of any protected tree.

(B) Permit Application and Review.

- (1) Where a tree permit is required, an application shall be filed with the department for review. The application shall be submitted together with a tree location survey and all other documentation as required elsewhere under this article, prior to or concurrent with the submission of a site plan or application for building permit, whichever may be required.
- (2) Where a site plan is required, the tree location survey along with accompanying documentation shall be part of the review process. Site plan approval shall precede issuance of a tree permit.
- (3) When a site plan is not required, the department shall review the application and other documentation as required within 15 working days of the department receiving the application in acceptable form.

(C) Tree Location Survey Guidelines.

- (1) The tree location survey shall be in a form acceptable to the department and shall bear the following information and details:
 - a. Minimum scale of one inch equals 50 feet. The scale shall be the same as the site plans.
 - b. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of the structures and improvements, including existing and proposed utilities.
 - c. Locations and dimensions of all setbacks and existing or proposed easements.
 - d. All trees shall be tagged in the field with identifying numbers, using non-corrosive metal tags.
 - e. Locations of all existing trees six inches DBH or more including trees within the adjoining street right-of-way, trees within 25 feet of the property lines and all trees to be affected by the development such as trees located within areas of right-of-way improvements or off-site utility work. All such trees proposed to remain, to be relocated or to be removed, shall be so designated. The survey shall be accompanied by a separate key identifying the numbered trees by size, existing and proposed grade at the base of each tree shall be indicated on the tree location survey.
 - f. Tree location surveys are to be performed by actual field survey by a registered land surveyor and verified on site by a registered landscape architect, certified arborist or forester. Both professionals must verify the contents by seal or signature, whichever applies.
 - g. If existing trees are to be relocated the proposed location for such trees, together with a statement as to how such trees are to be protected and/or stored during land clearance and construction and how they are to be maintained after construction.
 - h. A statement showing how trees to remain are to be protected during land clearance, construction and on a permanent basis including the proposed use of tree wells, protective barriers, tunneling or retaining walls.
 - i. The number of trees to be removed which are six inches DBH or more.

- j. The requirement for a tree location survey may be waived by the department for areas 50 feet or more outside the construction zone. If waived, a statement indicating predominant species and estimated number and size of trees in this area will be required. The area to remain undisturbed shall be snow fenced prior to any activity.
- 2) For tracks of land ten acres or larger, a tree location survey meeting the condition of section 98-82(c)(1) shall be submitted with the following supplemental documentation:
- a. An aerial photograph or copy thereof, of suitable quality one inch equals 100 feet minimum.
- (3) An on-site examination may be made by the department in lieu of the tree location survey under any of the following conditions:
- a. Where a permit is required to remove or relocate trees on occupied single-family lots.
 - b. Where a permit is required to remove fewer than three trees.

(D) Reasons for Issuing a Tree Permit.

- (1) Tree permits shall be issued for only the following reasons:
- a. Trees pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public utility service.
 - b. Trees pose a safety hazard to buildings or structures.
 - c. Trees completely prevent access to a lot or parcel.
 - d. Trees unreasonably prevent development of a lot or parcel or the physical use thereof. It is the intent of this provision that a permit shall not be granted for the removal of any tree where a reasonable alternative design solution exists consistent with the permitted use of the property under the city's zoning ordinance.
 - e. Diseased trees or trees so weakened by age, storm, fire or other injury so as to pose a danger to persons, property, improvements, or other trees.
 - f. Where a landmark tree is proposed for removal and there is no reasonable alternative that would allow preservation of the tree while still meeting other city requirements.

(E) Exemptions.

- (1) The following are exempt from the provisions of this article:
- a. Any tree less than six inches DBH.
 - b. The removal of two trees per calendar year other than landmark trees, on occupied one-family residential lots.
 - c. On occupied one-family residential lots which are one acre or more in area, the removal of eight trees per calendar year or not more than ten percent of the total number of trees on the lot, whichever is less. This provision shall not apply to landmark trees.
 - d. Trees for which it is determined by the department to have a health condition factor less than 16 per section 98-82(k).
 - e. Where a subdivision plat, site plan, or building permit has been approved, the removal of trees within the proposed building footprint plus an area of ten feet (10') on each side of the building footprint. The removal of trees shall also be allowed within the area required for road right-of-way, driveway, parking lot, utilities, provided that the City Zoning Administrator has determined that there are no reasonable alternatives that would reduce protected tree loss.

(F) Tree Protection during Land Development.

- (1) Prior to the land clearing stage of development and before a tree permit will be issued, the owner, developer or agent shall do the following:

- a. All trees for which application is being made for removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to field inspection by the department.
 - b. Erect barriers of four-foot high wooden fencing or similar sturdy stock material staked with metal stakes ten feet on center which will shield and protect trees, no closer than six feet from the trunk or at the drip line, whichever is greater, of all such trees or groups of trees.
 - c. Keep clear all debris or fill, equipment and material from within the required protective barrier.
- (2) During construction, the owner, developer or agent shall not cause or permit any activity within the drip line of any protected tree or group of trees including but not limited to the storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material or any other material harmful to the life of a tree.
 - (3) No damaging attachment, wires (other than cable wires for trees), signs or permits may be fastened to any tree protected by this article.
 - (4) The department shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.

(G) Tree Replacement or Relocation during Land Development.

- (1) As a condition of granting a tree permit, the applicant will be required to replace trees being removed having six inches or more DBH.
 - a. The permit grantee shall either relocate trees or replace trees on a one-to-one basis. All replacement trees shall measure three inch caliper for deciduous trees, ten-foot height for evergreen trees, or greater. Where it is not feasible and/or desirable to replace or relocate trees onsite, the Director of Public Works may substitute greater size for replacement trees or require replacement trees at another location on public property in the city.
 - b. Replacement trees shall have shade potential and other characteristics comparable to the trees proposed for removal and shall be State Department of Agriculture Nursery Grade No. 1 stock or better. Replacement trees shall be staked, if necessary, wrapped and mulched and shall be guaranteed for one year. Refer to the General Guidelines and Specifications for Landscape, Tree Replacement and Open Space Approval for a list of approved replacement trees.
 - c. As an alternative or partial alternative to the above, the Director of Public Works may approve trees which are smaller in caliper size in situations where the intent is to re-create or create a densely wooded area. Such groupings of trees shall consist of tightly-grouped trees and shall be a minimum of three-quarter inch caliper and shall be used only in situations and locations where it is appropriate to create a densely wooded effect. Spacing between trees shall be approved by the Director of Public Works. When this alternative is used, the sum of the caliper of the replacement trees shall be equal to the sum of the caliper of the trees which are being replaced. (Landscape Design for Densely Wooded Areas adopted by the planning commission shall be used as guidelines for this alternative).
 - d. When landmark trees are permitted to be removed, replacement trees shall be provided to a minimum of 25 percent of DBH of the tree to be removed. Replacement trees, measured in DBH or calipers, shall be provided either individually or on an accumulative basis to meet the 25 percent DBH requirement.
 - e. Applicant shall be required to replace trees originally indicated and intended to be saved when such trees are excessively damaged or removed in violation of an approved site plan during construction to the extent that it puts the tree at risk of death as determined by the department. The replacements shall have at least equal shade potential and other characteristics comparable to those of the damaged trees and be a minimum five-inch caliper, excluding landmark trees. Landmark trees shall be replaced at 100 percent DBH on an individual or a cumulative basis using minimum five-inch caliper stock.
 - f. Trees required to be planted in accordance with section 98-82(g) shall be in place and properly supported prior to the issuance of a final certificate of occupancy. Center of said trees shall not be located closer than four feet to any property line or ten feet to any utility line.

- g. All trees relocated or planted as replacements shall exhibit a normal live growth cycle to comply with section 98-82(d).

(H) Emergency Tree Removal.

- (1) When it is necessary to expedite the removal of damaged or destroyed trees in the interest of public safety, health and general welfare following high winds, storms, tornadoes, floods, freezes, fires or other natural or man-made disasters, the requirements of this article may be suspended by the department for a period of 30 days in the affected areas.

(I) Penalties.

- (1) Each unauthorized removal of a tree protected by this article shall be deemed a separate offense. Section 1-13 of the Richmond City Code shall be applicable to violations and penalties under this article.

(J) Landmark Trees.

- (1) The following is the list of landmark trees according to common name, species and DBH which are protected under section 98-82:
 - a. The listed DBH for the landmark trees represent the minimum size protected for each species.
 - b. The landmark trees herein listed are prevalent in the city and in the surrounding area.
 - c. Landmark tree list:
 - i) All trees 24 inches DBH or greater are considered landmark trees.
 - ii) The following trees also shall be considered landmark trees.

<u>Common Name</u>	<u>Species</u>	<u>Size DBH (inches)</u>
Ash	Fraxinus spp.	18
American Beech	Fagus grandifolia	18
American Chestnut	Castanea dentata	8
Birch	Betula spp.	18
Black Alder	Alnus glutinosa	12
Black Tupelo	Nyssa sylvatica	12
Black & White Walnut	Juglans nigra, J. cinerea	20
Buckeye	Aesculus glabra	18
Cedar, Red	Juniperus spp.	12
Crabapple (cultivar)	Malus spp.	12
Douglas Fir	Pseudotsuga menziesii	18
Eastern Hemlock	Tsuga canadensis	12
Flowering Dogwood	Cornus florida	8
Ginkgo	Ginkgo biloba	18
Hickory	Carya spp.	18
Horsechestnut	Aesculus carnea	18
Kentucky Coffeetree	Bymnociadus dioicus	18
Larch/Tamarack	Larix laricina (Eastern)	12
London Planetree/Sycamore	Plantanus spp.	18
Maple	Acer spp.	18

Oak	Quercus spp.	16
Pine	Pinus spp.	18
Sassafras	Sassafras albidum	15
Spruce	Picea spp.	18
Tuliptree	Liriodendron tulipifera	18
Choke Cherry	Prunus spp.	18

(K) Tree Health/Condition Standard.

- (1) The department shall be responsible for determining the health/condition standard for trees under section 98-82.
- By field inspection of trees, the department shall evaluate the trunk condition, growth rate, structure, insects, and diseases, crown development and life expectancy. From the evaluation, the department shall determine a point value which describes the trees health/condition.
 - Any listed landmark tree or any 24-inch or greater DBH tree with a score of 16 or higher is protected under this section.
 - The means by which the department calculates the tree's health/condition is listed as follows:

<u>Factor</u>	<u>5 or 4</u>	<u>3 or 2</u>	<u>1</u>	<u>Ranking</u>
Trunk	Sound and solid	Sections of bark missing	Extensive and hollow	
Growth/Rate	More than 6" twig elongation	2"--6" twig elongation	Less than 2" twig elongation	
Structure	Sound	One major or several minor limbs dead	2 or more major limbs dead	
Insects/Diseases	No pests present	One pest present	Two or more pests present	
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown	
Life expectancy	Over 30 years	15--20 years	Less than 5 years	

Total:

(Ord. No. 142, § 1, 12-7-98)



TREE REMOVAL PERMIT APPLICATION FORM

CONTACT INFORMATION

Name: _____

Address: _____

Telephone/Fax: _____

SITE INFORMATION

1. Address of Subject Property: _____

2. Size of Property: _____ acres

3. No. of Trees to be Removed: _____

4. No. of Trees on the lot: _____

5. Size of Trees: _____

6. Nature of Activity: (check one)

- Tree Removal
- Tree Destruction
- Tree Relocation
- Construction, storage, clearing, grubbing or grading within drip line
- Other (explain)

APPLICATION CERTIFICATION

By signature attached hereto, I certify that the information provided within this application and accompanying documentation is, to the best of my knowledge, true and accurate. Furthermore, I acknowledge that failure to comply with the City of Richmond's Woodlands and Tree Preservation regulations will be deemed a violation of the Woodlands and Tree Preservation ordinance.

By: _____
(Signature of Applicant)

Name: _____
(Type/Print)

Date: _____

Building Department Use Only – Please Do Not Write in This Section

Required Attachments

- Tree Location Survey
- Aerial Photo

Department Findings

- Trees pose safety hazard per Section 98-41 (D)1(a)
- Trees pose safety hazard per Section 98-41 (D)1(b)
- Trees prevent access per Section 98-41 (D)1(c)
- Trees prevent development per Section 98-41 (D)1(d)
- Trees are diseased or weakened per Section 98-41 (D)1(e)
- No reasonable alternative to removal of landmark trees exist per Section 98-41 (D)1(f)
- Application does not comply with code and is denied for the following reasons:

Tree Replacement or Relocation Actions Required per Section 98-41 (G)1(a-g):

Signature of Official

Date

INSPECTION REPORT

INITIAL INSPECTION DATE: _____ INITIALS: _____

PERIODIC INSPECTIONS DURING LAND DEVELOPMENT:

DATE	INITIALS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OTHER INSPECTIONS (EXPLAIN):

_____	_____	_____
_____	_____	_____
_____	_____	_____

FINAL INSPECTION:

_____	_____
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