

City of Blaine Tree Preservation Ordinance

(Amended 6-3-93. Ord. 93 1337, Amended 4-17-97. Ord. 97-1653, Amended 4-15-99. Ord. 99-1785)

(a) Standards of Preservation During Construction or Grading

(1) Intent: Developments, structures, utilities, and all other site activities must be designed, installed, and constructed so that the maximum number of trees are preserved on all lots or parcels. Flexibility of city standards shall be considered when possible to ensure the preservation of the maximum number of trees.

(2) Tree Preservation Plan Required: To minimize tree loss and to mitigate tree removal on wooded lots or parcels with trees, a tree preservation plan must be submitted for approval along with application for any excavation permit, grading permit, building permit, Conditional Use Permit, site plan or plat approval. All site activity associated with the proposed permit or plat must be in compliance with the approved tree preservation plan.

(3) Replacement:

(aa) General: All significant trees removed or damaged through activities described in (a) and (b) must be replaced on site with approval of the Zoning Administrator, or in the form of payment of a fee to the city reforestation fund in an amount established by the City Council. Additional replacement trees shall be required as determined by the Zoning Administrator when trees of any size are removed in violation of this ordinance, or when trees have been impacted by failing to comply with the Tree Preservation Plan. Trees required by the approved landscape plan will be credited to replacement tree requirements if all the requirements of this ordinance have been fulfilled.

(bb) Non Residentially Zoned Property: In non residentially zoned districts the total number of replacement trees shall not exceed 8 trees per acre. The removal of trees on public right of way in commercial or industrial zoning districts; conducted by or on behalf of a governmental agency in pursuance of its lawful activities or functions, will be exempt from this replacement.

(cc) On Residentially Zoned Lots : On public right of way in residential zoning districts and on residentially zoned lots exceeding one acre in size the total number of replacement trees shall not exceed 8 trees per acre of upland. On residentially zoned lots less than one acre in size a one to one (1:1) replacement of all trees will be required for the first seven trees removed from the lot.

(4) The Tree Preservation Plan: The tree preservation plan must be prepared by a registered architect, landscape architect or forester. The plan must include a scaled drawing or survey including the following information:

(aa) A tree inventory indicating size, species, location and condition of all significant trees and clumps of non-significant trees within the limits of the proposed activity; also location of existing and proposed structures, improvements, utilities and existing and proposed contours.

(bb) Specific disease control, if applicable, and protection techniques that will be utilized to minimize disturbance to all trees remaining on site.

(cc) A reforestation plan indicating size, species, location, and planting specifications of all street and yard trees and all replacement trees.

(1) The reforestation plan shall utilize a variety of tree species with emphasis on native species when possible.

(2) Replacement trees shall be a minimum 2 1/2 inches in diameter if deciduous, or 6 feet in height if coniferous.

(dd) Financial Guarantee: All installations of trees required by the tree preservation plan or as a penalty for failing to comply with the tree preservation ordinance or plan must be completed at the

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time of request for a Certificate of Occupancy if issued between May 15th and October 15th, unless dates have been modified by the Zoning Administrator to accommodate unseasonable weather. A Certificate of Occupancy requested after October 15th and before May 15th may be issued with a cash deposit submitted by the builder in an amount required by the Zoning Administrator to guarantee installation of landscaping. Property owners/contractors/developers required to install replacement trees because of unauthorized removal or disturbance of existing trees on undeveloped parcels must submit a cash deposit in an amount required by the Zoning Administrator to guarantee installation of landscaping. (Amended 3-4-99. Ord. 99-1771)

(5) Tree preservation plans must receive approval of the Zoning Administrator.

(6) Inspection and Enforcement. Prior to commencement of site grading or excavation, the site shall be staked and fenced for tree protection per the approved tree preservation plan. Construction activities shall cease until compliance with the tree preservation plan has been achieved. Violations of this Ordinance and/or Tree Preservation or Forestry management plan are considered a misdemeanor. Each day is considered a separate offense.

(b) Tree Removal on Lots without Construction or Grading Permits.

(1) The number of trees removed from privately owned land shall be limited to two (2) significant trees per year, unless an approved Forest Management Plan has been obtained. Trees removed because they are an obstruction to traffic or power lines, or trees removed because they pose a hazard to structures or sewer systems, shall be excluded from these requirements.

(2) Forest Management Plan: An approved Forest Management Plan will be required if more than two (2) significant trees per year are removed. At a minimum, the plan must include the following information:

(aa) A scaled map designating all forested areas and existing and proposed uses of such areas.

(bb) Location of all existing structures, roads, utilities, and driveways on the site.

(cc) A written narrative describing specific activities and reasons for developing the plan, and how these actions and activities will affect the forest. Specific examples include, but are not limited to: better forest management (thinning or removal of dead or diseased trees), improved wildlife habitat, recreational use, outdoor education, and trails.

(dd) Tree Replacement may also be required as part of the Forest Management Plan. Tree replacement, as outlined in Section 33.10(a)(3), shall be required if trees are removed without obtaining an approved approval for a Forest Management Plan.

(ee) Forest Management Plans must be prepared by a forester and approved by the Zoning Administrator.