

1 **TITLE 13- PROTECTED TREE CANOPY SUSTAINABILITY**

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4 13.04.040: DEFINITIONS OF TERMS: For the purpose of this title the following terms have
5 the following meanings:

6
7 CANAL/DITCH/LATERAL: An artificial waterway for the collection and conveyance of
8 irrigation water and/or storm water.

9
10 TREE BARRIERS: For the purposes of section 13.77.080, "Street Tree Sustainability", of this
11 title, a device such as fencing, berms, or signage installed to limit access to a tree protection
12 zone.

13
14 HOLLADAY TREE BOARD COMMITTEE: ~~An informal, volunteer advisory group of~~
15 ~~knowledgeable citizens, designated by the community development director, and charged with~~
16 ~~advocating for the sustainability of the city's tree canopy resources and the city's of Holladay~~
17 ~~tree management program including administering the heritage tree designation and the tree~~
18 ~~voucher program protection program~~ as provided in section 13.77.080 of this title

19
20 TREE, CALIPER: A landscape and nursery trade standard for trunk measurement determined by
21 measuring the diameter of the trunk six inches (6") above the ground for up to and including four
22 inch (4") caliper size, and twelve inches (12") above the ground for larger trees.

23
24 TREE, CANOPY: The outer limits of a tree's foliage consisting of leaves, branches and stems
25 that cover the ground when viewed from above. This may also include understory vegetation.

26
27 TREE, CANOPY COVERAGE: The area of a lot that is covered by the canopies of existing
28 trees, including immature trees, and newly planted trees and can be designated on a tree
29 preservation plan.

30
31 TREE, CLEAR CUTTING: The removal of tree canopy on unoccupied lots where no building
32 or development permit is required by this title.

33
34 TREE, CRITICAL ROOT ZONE: The minimum volume necessary for maintenance of tree
35 health and stability that is calculated by measuring the diameter of the subject tree at breast
36 height. Every inch of tree trunk diameter equates to one linear foot of distance outward from the
37 trunk in all directions.

38
39 TREE, dbh (DIAMETER AT BREAST HEIGHT): The trunk diameter measurement of a
40 nontransplantable tree, taken four and one-half feet (4.5') above the ground line.

41
42 TREE, DRIP ZONE: For purposes of chapter 13.77, Landscaping, the drip zone is calculated by
43 measuring the diameter of the tree at a height of five feet (5') from ground level. Every inch of
44 tree trunk diameter equates to one foot (1') of drip zone.

45
46 TREE, GROVE: A group of trees in close proximity, especially where branches touch or

1 vertically overlap another tree.

2
3 TREE, High Risk: A tree or part of a tree that has a high potential for failure or for falling on a
4 nearby object because of dead or dying branches, roots or trunk.

5
6 TREE, PROTECTED: For the purposes of Chapter 13.77 the following trees are considered
7 protected under the provisions of this title:

8
9 1. Street: A tree located or planted within a public right of way.

10
11 2. Community: A tree located or planted within a city-owned property such as City
12 Hall Park, Knudsen Park, Holladay Pines Park, Butternut Park, or Stratton Park.

13
14 3. Waterway: A tree located or planted within the area between the high water mark
15 and the apex of the bank of any stream or waterway and:

16 a. Fifty feet (50') from the apex of the bank of a perennial stream

17 (Cottonwood Creek, Spring Creek), or

18 b. Fifty feet (50') from the apex of the bank of an ephemeral stream (Heugh's
19 Canyon, Neff's Canyon), or

20 c. Thirty feet (30') from the apex of the bank of a manmade canal or ditch
21 (Salt Lake & Jordan canal, East Jordan canal, Upper canal, Tanner ditch).

22
23 2.4. Heritage: A designation, voluntarily applied for by the property owner, as being
24 historic, rare, threatened, or of endangered species, reviewed and approved by
25 members of the Utah Community Forest Council (UCFC) as provided in the Utah
26 heritage tree act of 1975.

27
28 3. ~~Significant: Trees of six inch (*) caliper or greater measured at breast height,~~
29 ~~groves of five (5) or more smaller trees, or clumps of trees covering an area of~~
30 ~~fifty (50) square feet within the drip zone.~~

31
32 TREE, STANDARDS, INDUSTRY CONSENSUS: Accepted practices for tree care include -
33 ANSI A300, nursery stock - ANSI Z60.1, and arboricultural safety requirements - ANSI Z133.1.,
34 a set of parameters developed by a group of materially affected parties in accordance with
35 accepted essential requirements for openness, balance, consensus and due process.

36
37 TREE, STREET/COMMUNITY TREE PROGRAM: A manual prepared by the ~~community~~
38 ~~development director~~ City of Holladay that contains regulations and industry consensus
39 standards and city defined specifications for the planting, maintenance, and removal of trees,
40 shrubs, and other plants upon city owned property, easements, public rights of way and
41 waterways as defined in this subsection. The manual shall include the tree selection guide for
42 planting trees and shrubs in public rights of way and city owned property. ~~The program shall be~~
43 ~~based upon a tree inventory methodology and records that will be used to derive an annual plan~~
44 ~~for work for the care of public trees.~~

- 1 TREE TOPPING: The reduction of a tree's size using heading cuts that shorten limbs or branches
- 2 back to a predetermined crown limit.

1 **13.08.150: SPECIAL EXPCEPTIONS AUTHORIZED:**

2
3 The following special exceptions are authorized under this title:

4
5 A. *Development near Waterways:* The planning commission may grant an exception to the
6 buildable area or portion of a buildable area as set forth in section 13.76.400 of this title upon
7 receipt of a positive recommendation from the community development director and the
8 technical review committee. The recommendation shall be based upon the following:

- 9
10 1. Consent of any state or federal regulatory body with jurisdiction over such
11 waterways;
- 12 2. The location and age of existing structures within the same base flood elevation;
- 13 3. The current base flood elevation as per FEMA regulations;
- 14 4. Proposed measures to protect and preserve the existing riparian corridor; ~~and~~
- 15 5. An approved tree sustainability plan as required by section 13.77.090 of this title,
16 and;
- 17 ~~56.~~ Submittal by the property owner of a natural hazards disclosure and
18 acknowledgment form.

1 **13.76.700: FILL WORK AND LAND EXCAVATIONS; SPECIAL REQUIREMENTS:**
2

3 A. Purpose And Intent: This section is adopted to promote public safety and the general
4 public welfare; to protect property against loss from erosion, earth movement and
5 flooding; to maintain a superior community environment; to provide for the continued
6 orderly growth of the city; and to ensure the maximum preservation of the natural scenic
7 character of major portions of the city by protecting against detrimental impacts to
8 neighboring properties due to large changes in the natural grade and topography; to
9 prevent large unsightly exposed surfaces of retaining walls that attract graffiti, generate
10 large amounts of heat and runoff, and create significant incompatibility between the
11 grades of neighboring properties; and to encourage preservation of the natural grade and
12 topography, and to encourage adaptation of new development to existing grades; to
13 establish minimum standards and requirements relating to land grading, excavations, and
14 fills, and procedures by which these standards and requirements may be enforced. It is
15 intended that this section be administered with the foregoing purposes in mind and
16 specifically in an attempt to:

- 17
- 18 1. Ensure that the development of each site occurs in a manner harmonious with
19 adjacent lands so as to minimize problems of drainage, erosion, earth movement
20 and similar hazards.
- 21
- 22 2. Ensure the public lands and places, watercourses, streets, and all other lands in the
23 city are protected from erosion, earth movement or drainage hazards.
- 24 3. Ensure that the planning, design and construction of all development will be done
25 in a manner which provides maximum safety and human enjoyment and except
26 where specifically intended otherwise, makes such construction as unobtrusive in
27 the natural terrain as possible.
- 28
- 29 4. Ensure the maximum retention of natural vegetation to aid in protection against
30 erosion, earth movement and other hazards and to aid in preservation of the
31 natural scenic qualities of the community.
- 32

33 B. Permit Required:
34

- 35 1. Grading permits are required for work on new developments, construction
36 projects, rivers, washes, streams, floodplains, detention basins, dams, ditches,
37 drainage culverts, slopes in excess of fifteen percent (15%), rock pits, roads,
38 utilities, well drilling, ~~and clearing of any site which contains significant trees
39 and/or vegetation.~~ Permitted and non-permitted work shall not encroach nor
40 impact on adjacent properties. Sanitary (garbage) landfills and hazardous material
41 depositories shall not be allowed. A grading permit may be combined with a
42 building permit.
- 43
- 44 2. For work requiring a permit, plans and specifications shall be completed by a
45 registered professional engineer and/or a registered professional landscape
46 architect or registered professional arborist.

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3. Retaining walls in excess of four feet (4') require a permit. Plans shall be submitted in accordance with subsection F of this section.

1 **13.77.020: APPLICABILITY:**
2

3 A. Landscape Plan: A detailed landscape plan as required by chapter 13.03 of this title shall
4 be submitted for all development, redevelopment, additions or site modifications except
5 for single-family homes on individual lots.
6

7 B. Tree Protection Sustainability Plan: A tree sustainability plan or tree removal permit
8 application as required by sections 13.77.080 and 13.77.090 of this chapter shall be
9 submitted for all development or site modifications prior to approval of any demolition,
10 building or development permit.
11

12 BC. Applicability to Existing Structures: Existing development shall be required to conform
13 to this standard based upon the following guidelines:
14

- 15 1. For additions that are twenty five percent (25%) to fifty percent (50%) of the
16 existing structure or developed area, perimeter and right of way landscaping shall
17 be installed.
18
- 19 2. For additions that are greater than fifty percent (50%) of the existing structure or
20 developed area, all current landscape standards of this chapter shall be met.
21
- 22 3. If the location of existing buildings or other structures prevents conformance with
23 the requirement of this section or if implementation would create nonconformity,
24 the planning commission may grant relief from these standards as per section
25 13.77.130 of this chapter.
26

1 **13.77.080: TREE CANOPY SUSTAINABILITY:**

2
3 A. Purpose and applicability:

4
5 The City of Holladay lies in the eastern part of the Salt Lake Valley adjacent to the Wasatch
6 Mountains. The area historically was a summer home refuge for area families because of the
7 heavy evergreen and deciduous tree coverage near Big Cottonwood Creek. As irrigation was
8 developed, the tree cover spread along the banks of the ditches and around irrigated fields. As
9 residential development occurred after World War II, most of the heavily forested areas of the
10 City were spared from vegetation and tree removal because of the large existing lots.
11 Subdivision pressure largely missed Holladay in favor of open agricultural fields to the south and
12 west. In recent years, however residential and other development has returned to Holladay and
13 the city's tree canopy is measurably thinner than it was in the 1950's and 1960's.

14
15 From the 2017 Holladay General Plan:

16
17 “Mature trees and healthy vegetation provide an incredible array of benefits for Holladay. In
18 addition to providing shade, privacy, habitat and food, trees provide less obvious benefit, such as
19 helping to control erosion, mitigating noise, enhancing the sense of well-being, and adding
20 aesthetic value. The forests of mature trees, which characterize many of the established
21 neighborhoods in Holladay, are important to the community in general. Frequently mentioned
22 by residents during the planning process, they are highly valued and in need of preservation and
23 rejuvenation. Map 8.2, illustrates the dramatic change in old growth tree canopy and its
24 associated riparian areas along Big Cottonwood Creek that has occurred over the last twenty
25 years. These losses can be attributed to natural attrition as well as, increasing development
26 within the corridor.”

27
28 It is now recognized that the preservation of a healthy forest canopy enhances the natural scenic
29 beauty, sustains the long-term potential increase in property values, maintains the original
30 ecology and its tempering effect on extreme temperatures, increases the oxygen output of the
31 area needed to combat air pollution, and creates an identity and quality of the City attractive to
32 citizens, visitors and businesses alike. For these reasons, the City finds that in order to promote
33 the public health, safety and general welfare of the City of Holladay, while at the same time
34 recognizing individual rights to develop private property in a manner which will not be
35 prejudicial to the public interest, it is necessary to enact regulations to maintain a healthy forest
36 canopy by managing the removal of and preservation of trees within the City.

37
38 A. The regulations contained in the chapter shall apply to:

- 39
40 1. The existing tree canopy coverage on all private property located within the city,
41 except as provided in subsection 13.77.080 A 3 of this section.
42
43 2. The standards contained in this chapter shall regulate all activities that result or
44 may result in the removal of all or a substantial portion of the existing tree canopy
45 coverage as defined herein. Said activities include any of the following:
46

1 a. Commercial, office, single family residential, multi-family residential, and
2 institutional development, including all new construction or structural additions
3 that result in an increase in the impervious surface coverage or the reduction of
4 the existing tree canopy.

5
6 b. Site grading, filling, or clear cutting of the existing tree canopy regardless
7 of whether or not a grading permit as required by section 13.76.700 B, a tree
8 removal permit as required by section 13.77.080 D of this chapter, or a
9 demolition, building, or development permit as required by Chapter 13.08 of this
10 title, is required, is in process, or has been approved by the city.

11
12 c. Chemical or biological treatment of trees that may result in the death or
13 destruction of the existing tree canopy.

14
15 d. Trenching or excavation that may damage or destroy any tree or area of
16 the existing tree canopy.

17
18 e. Removal of a Heritage Tree as defined in section 13.04.040 of this title.

19
20 3. This chapter shall not apply to:

21
22 a. ~~Ordinary landscaping activities on individual lots; The removal of~~
23 ~~individual trees in conjunction with the physical alteration of property within the~~
24 ~~city for which no permit is required by this title;~~

25
26 ~~b. Removal of an area of tree canopy coverage the drip zone of which covers~~
27 ~~a roughly circular area having a radius of ten feet (10') or less, or any individual~~
28 ~~tree with a dbh of twelve inches (12") or less;~~

29
30 b. Any tree(s) determined to be a high risk as defined in Section 13.04.040 of
31 this title;

32
33 c. Any tree(s) located in the clear view area, as defined in subsection
34 13.76.160 of this Title, or;

35
36 d. Any area of tree canopy preventing the opening of reasonable and
37 necessary vehicular or pedestrian traffic lanes in a street.

38
39 B. *Final Tree Canopy Cover.* As a prerequisite to approval of any demolition, grading,
40 building or development permit as required by Chapter 13.08 of this title, the applicant
41 shall provide a tree sustainability plan that provides for the preservation or replacement
42 of the same minimum square feet of tree canopy coverage minus the impervious surface
43 coverage allowance as that identified on the baseline tree survey described in subsection
44 13.77.080 C.

45
46 C. *Compliance.* To comply with the minimum final tree canopy coverage requirements of
47 subsection 13.77.080 B of this section, an applicant shall:

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1. Submit a baseline tree survey prepared by a certified arborist or other licensed tree care professional to identify trees for preservation in accordance with the provisions of this subsection; and
2. A tree sustainability plan prepared by a certified arborist or other licensed tree care professional that includes:
 - a. The location of all proposed buildings and improvements,
 - b. The maximum impervious surface coverage as a percentage of the lot or parcel as allowed by this title.
 - c. An inventory of all trees proposed for removal by species and canopy coverage area, including any designated Heritage Tree(s).
 - d. An inventory of proposed replacement trees with species, size at planting and estimated canopy coverage that will, at maturity, achieve tree canopy coverage equal to or greater than the units of tree canopy coverage shown on the baseline study.
 - e. A completed application and fee as required by Section 3.35.100 of this title for any required tree preservation plan review.
3. The Community Development Director shall approve a required tree sustainability plan if the submitted plan demonstrates that the removal of existing trees on the lot is required due to one or more of the following:
 - a. The tree originates within the net buildable area of a given site as identified on the tree survey and site plan by the applicant;
 - b. The proposed buildings and improvements cannot feasibly be oriented other than proposed, to allow for preservation of the existing tree canopy coverage;
 - c. A tree is located where it interferes with a proposed right-of-way, easement or ingress/egress to the site that cannot be reconfigured;
 - d. The tree is located where it interferes with the installation, delivery, or maintenance of proposed or existing utility services to the site;
 - e. The tree is located where it creates a safety or health hazard or a nuisance with respect to existing or proposed structures or vehicles or pedestrian routes and there is no reasonable alternative to relocate or reconfigure the improvements;

1 f. The tree(s) are/is confirmed by the Community Development Director, or
2 by a certified arborist or other licensed tree care professional to be high risk as
3 defined in 13.04.040 of this title; or
4

5 g. The tree(s) unreasonably prevents development of a lot or parcel or the
6 physical use and enjoyment thereof. However, a tree removal permit shall not be
7 granted where the applicant has not given careful consideration of the purposes
8 and regulations of this section to design and locate the proposed improvements to
9 minimize the removal of tree canopy.
10

11 4. If the final tree canopy coverage cannot meet the minimum coverage required by
12 subsection 13.77.080 C of this section a mitigation plan as required by subsection
13 13.77.080 F of this section shall be submitted for review and approval as part of
14 the overall tree sustainability plan.
15

16 5. In lieu of submitting a tree removal permit application, an applicant may submit
17 a "no tree impact" verification statement, including supporting documentation
18 stating that no trees or tree canopy protected by this article will be impacted or
19 exist on site.
20

21 D. Tree Removal Permit:
22

23 1. A tree removal permit is required for:

24 a. The removal of any Heritage Tree, as defined in section 13.04.040 of this
25 title;

26 b. Clear cutting of trees on any lot or parcel of land whether or not there is an
27 existing structure on the lot;
28

29 (1) Prior to development of the lot or parcel, a portion of the tree
30 canopy may be removed not to exceed the same square footage of canopy
31 allowed by the maximum impervious surface coverage restrictions of this
32 title.
33

34 (2) At the time of development or application for a permit as required
35 by this title, any clear cutting of tree canopy must comply with an
36 approved tree sustainability plan.
37

38 c. The removal of tree canopy in conjunction with an approved tree
39 sustainability plan.
40

41
42 2. An application for a tree removal permit as required by subsection 13.77.080 B
43 shall be accompanied by an approved tree sustainability plan and a fee as required
44 by Table 3.35.100.1 of this code.
45

1 3. Any replacement trees that are the subject of such mitigation shall be planted,
2 relocated, or preserved before issuance of a certificate of occupancy or similar
3 authorization.

4
5 E. *Requirements for Replacement Trees:* If the approved tree sustainability plan allows for
6 the replacement of trees located within a protected tree canopy, those replacement trees
7 shall comply with the following schedule and requirements:

8
9 1. A deciduous tree that is removed shall be replaced by a tree with a minimum size
10 of two inch (2") caliper of a variety that has the potential to reach a mature
11 canopy coverage of that of the removed tree.

12
13 2. A coniferous tree that is removed shall be replaced by at least one coniferous tree
14 with a minimum height of eight feet (8') or replaced by a deciduous equivalent as
15 per subsection 1 of this section.

16
17 3. Unless otherwise authorized by the city, replacement trees shall be planted within
18 six (6) months after the removal of the prior tree.

19
20 4. Replacement trees shall be maintained by the property owner through an
21 establishment period of at least three (3) years.

22
23 5. Replacement trees planted in the front setback area which contribute to the overall
24 look and feel of the streetscape shall be given preference in the approved tree
25 replacement plan.

26
27 F. *Alternative Replacement Mitigations:*

28
29 1. When the Community Development Director determines that the removal of
30 protected trees or area of protected tree canopy is permissible under the provisions
31 of this section, the applicant/developer may request that in lieu of on-site
32 replacement of trees, the applicant be allowed to mitigate up to fifty percent
33 (50%) of the lost tree canopy. Mitigation measures may include:

34
35 a. Payment of a fee equal to the cost of said replacement tree/s subject to
36 mitigation on a 1:1 ratio into the City's tree street tree program; or

37
38 b. Submission by the property owner/developer of a plan for planting all or a
39 portion of the number of trees subject to mitigation, on other private property
40 within the city. The plan shall be accompanied by a signed approval from the
41 receiving property owner.

42
43 2. The Community Development Director may approve an alternative replacement
44 mitigation plan only after first making all of the following findings:

1 a. The applicant has investigated alternative site designs and building
2 footprints using existing development standards;

3
4 b. Placing the required number of replacement trees on site with proposed
5 final tree canopy is not conducive to a sustainable landscape plan for the property
6 in question;

7
8 c. A minimum of fifty percent (50%) of the required replacement trees are
9 replanted on-site and the spacing selection of the proposed trees and the landscape
10 design contribute to the city's long-term goals of a sustainable urban forest;

11
12 d. The project includes a well-integrated and thoughtful design solution that
13 enhances the property and its surroundings;

14
15 e. The project is not injurious to adjacent properties or uses, or detrimental to
16 the environment or the health, safety and welfare of the citizens of Holladay; and

17
18 f. The project is consistent with the objectives of the City's General Plan.

19
20 G. *Tree/Vegetation Protection during Construction and Grading Activities:* The following
21 provisions shall apply to an approved tree preservation plan concerning construction and
22 grading activities:

23
24 1. Limits of disturbance as defined in section 13.04.040, shall be shown on the final
25 tree sustainability plan and shall be clearly delineated on site with fencing or other
26 materials or methods prior to the commencement of excavation, grading, or
27 construction activities on the site.

28
29 2. Within the limits of disturbance, protective fencing, at a minimum, shall be placed
30 around each protected tree or area of protected tree canopy a distance equal to the
31 size of the individual or outermost tree's drip zone.

32
33 3. No construction, grading, equipment or material storage, or any other activity
34 shall be allowed within this fenced drip zone as defined in subsection 13.04,040
35 of this title, and the fencing shall remain in place until all land alteration,
36 construction, and development activities are completed.

37
38 4. If it is necessary to fill over the critical root zone, as defined in subsection
39 13.04,040 of this title, soil compaction shall be avoided by sandwiching fabric,
40 rocks and more fabric under the area to be filled.

41
42 5. Fill placed directly on the critical root zone shall not exceed a maximum of six (6)
43 inches in depth.

1 6. If fill creates a tree well or depression around a tree or shrubs, such area shall be
2 drained so that the vegetation is not drowned by the pooling of rainfall or
3 irrigation.

4
5 7. If a deciduous tree's roots must be cut, the roots shall be pruned cleanly prior to
6 digging and not ripped off by heavy equipment.

7
8 8. Utility trenches near trees should be avoided. If a line must be near a tree,
9 tunneling, auguring, or other mitigation measures shall be used.

10
11 H. *Tree Preservation Fund.* If it is demonstrated to the satisfaction of the Community
12 Development Director, or designee, that the site is not suitable for on-site mitigation or
13 does not have the capacity to hold all of the required mitigation, then the applicant may
14 contribute a fee based on the "Guide for Plant Appraisal, 9th Edition", published by the
15 Council of Tree and Landscape Appraisers. When a new or revised edition of this
16 publication is adopted by the International Society of Arboriculture, that edition shall
17 become the adopted guide.

18
19 Tree preservation funds shall be expended, utilized and disbursed for the acquisition,
20 maintenance, and planting of trees on publicly owned lands and any other ancillary costs
21 associated with the planting of trees on public lands. This fund may also be used for the
22 relocation of trees to public land and rights of way and for periodically distributing of
23 trees to the public to increase tree canopy coverage citywide.

24
25 I. *Appeals.* A person adversely affected by a decision of the Community Development
26 Director regarding issuance or compliance with a tree removal permit may appeal such
27 decision to the administrative appeals officer.

28
29 J. *Expiration:* A tree removal permit shall expire and have no further force or effect if the
30 tree removal activity or construction is not commenced within one year of the date of the
31 issuance of the tree removal permit.

32
33 K. *Penalties:* If protected trees are removed without a permit or otherwise in violation of
34 this chapter, the following provisions shall apply:

35
36 1. Any violation which is knowing and intentional shall be a Class B Misdemeanor,
37 punishable by a fine not to exceed \$1,000 and 6 months in jail.

38
39 2. Any violation shall be punishable by a civil penalty of up to \$1,000, in addition to
40 the requirements of this Chapter regarding the replacement of protected trees.

41
42 3. No certificate of occupancy or similar authorization shall be issued for any
43 development until all applicable permits and/or mitigation plans or conditions
44 have been accomplished.

1 13.77.090: STREET/COMMUNITY/WATERWAY TREE SUSTAINABILITY:

2
3 A. *Purpose:* The purpose of this section is to protect existing ~~street~~ trees within the public
4 right of way, on city owned property and along waterways within the city, to require
5 replacement of removed trees ~~within the public right of way in those areas~~, and to require
6 planting of street trees with all new development. This section is intended to:

- 7
8 1. Preserve the visual and aesthetic qualities of the city's existing environment;
9
10 2. Encourage the preservation and replacement of trees; and
11
12 3. Enhance, stabilize, promote and protect property values throughout the city of
13 Holladay.
14

15 B. *Application:* The provisions of this section shall apply to all real property located in the
16 city of Holladay, as they relate to the public right of way, city owned property and those
17 riparian areas along the natural and manmade waterways.
18

19 C. *Tree Removal Permit: Removal of significant Street Protected Trees:*

20
21 1. No ~~significant street, or community tree~~ as defined in section 13.04.040 of this
22 title within the public right of way may be removed without ~~the prior written~~
23 consent of the city a tree removal permit approved by the community
24 development director. A no fee permit for such removal may be obtained from the
25 director of community development.
26

27 2. A waterway tree as defined in section 13.04.040 of this title located may not be
28 removed within;
29

30 a. the area between the high water mark and the apex of the bank without a
31 tree removal permit approved by the City of Holladay Planning Commission with
32 a recommendation from the Community Development Director and City
33 Engineer; or
34

35 b. the area beyond the apex of the bank as defined in section 13.04.040
36 without a tree removal permit approved by the Community Development
37 Director.
38

39 23. A permit to remove a ~~significant street protected~~ tree shall be issued if the
40 applicant demonstrates that:

41
42 a. Removal is necessary for public safety reasons;
43

44 b. Removal is essential in order to allow for development ~~or redevelopment~~
45 of the ~~abutting~~ property; or
46

- 1 c. Good cause exists and removal would be in the best interest of the city.
2
- 3 D. ~~Replacement of significant Street Protected Trees Required:~~ Any permit for the removal
4 of a ~~significant Street protected~~ tree shall be conditioned upon the planting of a
5 replacement ~~Street~~ tree. This requirement may be modified or waived to the extent
6 necessary to protect public safety.
7
- 8 E. ~~Requirements for Replacement Trees:~~ Replacement trees shall comply with the following
9 schedule and requirements:
10
- 11 1. A ~~significant~~ deciduous tree that is removed shall be replaced by a deciduous tree
12 with a minimum size of two inch (2") caliper of a variety that has the potential to
13 reach a mature height of that of the removed tree.
14
- 15 2. ~~A significant coniferous tree that is removed shall be replaced by at least one tree~~
16 ~~with a minimum height of eight feet (8'). (Note: Too many trees can cause~~
17 ~~crowding and reduced vigor, and possible death of same.)~~ A coniferous tree that is
18 removed shall be replaced by at least one coniferous tree with a minimum height
19 of eight feet (8') or replaced by a deciduous equivalent as per subsection 1 of this
20 section.
21
- 22 3. Replacement trees shall be of a variety listed in the City of Holladay Street Tree
23 Program brochure. ~~the same variety as the tree removed, unless the removed tree~~
24 ~~is of a variety deemed inappropriate or undesirable, or the same variety as other~~
25 ~~trees on the street, or of a variety approved by the community development~~
26 ~~director.~~
27
- 28 4. Unless otherwise authorized by the city, replacement trees shall be planted within
29 six (6) months after the removal of the prior tree.
30
- 31 5. Replacement trees shall be maintained by the property owner through an
32 establishment period of at least three (3) years.
33
- 34 F. ~~Planting of Street Trees Required:~~ In connection with any permit issued for new
35 development or significant redevelopment within the city, the owner/developer of the
36 abutting property shall be required to plant street trees of an appropriate variety and
37 number as determined by the community development director. This requirement may be
38 waived, in whole or in part, if sufficient street trees already exist and are preserved as part
39 of the development.
40
- 41 G. ~~Topping:~~ Topping any street tree required by this title is prohibited.
42
- 43 H. Appeals. A person adversely affected by a decision of the Community Development
44 Director regarding issuance or compliance with a tree removal permit may appeal such
45 decision to the administrative appeals officer.
46

- 1 I Expiration: A tree removal permit shall expire and have no further force or effect if the
2 tree removal activity or construction is not commenced within one year of the date of the
3 issuance of the tree removal permit.
4
- 5 J. Penalties: If a protected Street/Community/Waterway tree as defined in 13.04.040 is
6 removed without a permit or otherwise in violation of this chapter, the following
7 provisions shall apply:
8
- 9 1. Any violation which is knowing and intentional shall be a Class B Misdemeanor,
10 punishable by a fine not to exceed \$1,000 and 6 months in jail.
11
- 12 2. Any violation shall be punishable by a civil penalty of up to \$1,000, in addition to
13 the requirements of this Chapter regarding the replacement of protected trees.
14
- 15 3. No certificate of occupancy or similar authorization shall be issued for any
16 development until all applicable permits and/or mitigation plans or conditions
17 have been accomplished.

1 **13.35.100: OTHER LAND USE REVIEWS:**

2

3 Fees for other applications, review processes, appeals to the city manager permitted under any
4 provision of this code, and impact fees shall be as shown on table 3.35.100.1 of this section:

5

6

Table 3.35.100.1

Permitted use site plan review		\$600 .00
<u>Tree sustainability plan review</u>		<u>TBD</u>
<u>Tree removal permit</u>		<u>TBD</u>
Parks impact fee		450 .00
Copies		0 .15 per page
Land use ordinance		15 .00
Zoning maps:		
Color		25 .00
Black and white		15 .00
Appeals to city manager		75 .00

1 **14.44: Shade STREET TREES**

2
3 14.44.010: CARE OF TREES:

4 14.44.020: PLANTING LINE:

5 14.44.030: CONDEMNATION AND REMOVAL OF TREES:

6 14.44.040: ABUTTING PROPERTY OWNER RESPONSIBLE:

7
8 **14.44.010: CARE OF TREES:**

9
10 In all cases the abutting property owner who receives the beneficial use of and benefit from
11 protected street trees is to care for and water the same. Failure to care for protected street trees or
12 removal without a tree removal permit may constitute a nuisance is considered a violation of this
13 code and requires remediation and/or payment of a fine.

14
15 **14.44.020: PLANTING LINE:**

16
17 The line on which the street trees are to be centered within a city highway right of way shall be
18 determined by the ~~department~~ city.

19
20 **14.44.030: CONDEMNATION AND REMOVAL OF TREES:**

21
22 The ~~department~~ city, upon giving proper notice to abutting property owner, shall have the
23 authority to ~~econdemn and remove~~, trim or prune, or order the removal, pruning or trimming by
24 the abutting property owner of, any tree, tree stump, shrub or vine upon any city roads, avenues,
25 or ways where the tree, tree stump, shrub or vine is dead, diseased or for any other reason
26 undesirable. The ~~department~~ city shall have authority to trim or prune any ~~road~~ street tree or
27 remove any street tree that is in violation of any city ordinance, without serving notice upon the
28 abutting property owner.

29
30 **14.44.040: ABUTTING PROPERTY OWNER RESPONSIBLE:**

31
32 The owner of a parcel of property abutting a public right of way is responsible for the
33 maintenance and, if necessary, replacement of a protected street tree(s). A person who damages
34 any street tree(s), negligently or otherwise, is liable for the full cost of replacement.

1 **13.03.030: SPECIFIC SUBMISSION REQUIREMENTS FOR THREE STEP REVIEW:**

2
3 In addition to the requirements of section 13.03.020 of this chapter, the submission
4 requirements of a proposed land use, development or other matter which is subject to a
5 three-step review as per section 13.08.010 of this title shall be as follows:
6

7 A. Conceptual Review: The following items shall be submitted to the community
8 development director for conceptual plan review, unless waived by the community
9 development director as not applicable:

10
11 1. Three (3) full size paper copies and one 11-inch by 17-inch paper copy of the
12 proposed site plan composed of a scaled drawing of and information pertaining to,
13 a proposed development site. A site plan shall include the following:

- 14
15 a. North arrow.
16
17 b. Name of development.
18
19 c. Name, phone number and business address of applicant/developer and
20 project designer.
21
22 d. Name, phone number and business address of property owner.
23
24 e. A vicinity map containing sufficient information to accurately locate the
25 property shown on the plan.
26
27 f. Tabulation table in the following format:
28

	Square Feet	% Of Total
Total area	-	-
Total building area	-	-
Total impervious area	-	-
Total landscaped area	-	-
<u>Total existing tree canopy coverage</u>	-	-

29
30 g. For residential uses, show the number of dwelling units and the overall
31 units per acre.

32
33 h. For nonresidential uses, show the proposed distribution of uses in square
34 feet within each separate structure.
35

- 1 i. Proposed building elevations and the projected overall height from
2 existing grade.
- 3
- 4 j. Names and locations of fronting streets, public or private.
- 5
- 6 k. Footprints of proposed and existing buildings.
- 7
- 8 l. Building setback lines as required by the current zone standards.
- 9
- 10 m. Existing and proposed drive accesses.
- 11
- 12 n. Parking locations and number of spaces.
- 13
- 14 o. Existing contours.
- 15
- 16 p. Current zoning.
- 17

18 B. Preliminary (Technical) Review: For review of a preliminary application, the applicant
19 shall submit to the community development director the following:

- 20 1. A copy of the approved conceptual application.
- 21 2. Three (3) full size paper copies of the preliminary site plan, drawn to scale
22 (approximately 1 inch equals 40 feet) by a certified engineer, architect, or land surveyor,
23 and one 11-inch by 17-inch paper copy containing the following information:
 - 24 a. In a title block located in the lower right hand corner the following shall
25 appear:
 - 26 (1) The proposed name of the project, which name shall be approved by
27 the community development department;
 - 28 (2) The location of the project, including: address, and section, township
29 and range;
 - 30 (3) The names and addresses of the owner, the subdivider, if different than
31 the owner, and of the designer of the site plan;
 - 32 (4) The date of preparation, scale (no less than 1 inch to equal 40 feet) and
33 the north arrow.
 - 34 b. The preliminary site plan shall show the following existing conditions:
 - 35 (1) The boundary lines of the proposed project indicated by a solid
36 heavy line and the total approximate acreage encompassed thereby;

- 1 (2) All abutting property under the control of the applicant, even
2 though only a portion is included in the development;
- 3 (3) The location, width and names of all existing public or private
4 streets, and driveway entrances within two hundred feet (200') of the
5 project boundaries and of all prior platted streets or other public ways,
6 railroad and utility rights of way, parks and other public open spaces,
7 permanent buildings and structures, permanent easements and section and
8 corporation lines, within and abutting the project;
- 9 (4) The location of all wells, proposed, active and abandoned, and of
10 all reservoirs within the project and to a distance of at least two hundred
11 feet (200') beyond the project boundaries;
- 12 (5) Existing sewers, water mains, culverts or other underground
13 facilities within the project and to a distance of at least two hundred feet
14 (200') beyond the project boundaries, indicating pipe sizes, grades,
15 manholes and exact location;
- 16 (6) Existing ditches, canals, natural drainage channels, and open
17 waterways and proposed realignments;
- 18 (7) Contours at vertical intervals of not more than two feet (2'). The
19 100-year flood level of all watercourses, if any, shall be indicated in the
20 same datum for contour elevations;
- 21 (8) All installed fire hydrants on or within five hundred feet (500') of
22 the proposed subdivision;
- 23 (9) Current zoning designation, on and off site; and
- 24 (10) Location of all trees.
- 25 c. The preliminary site plan shall show proposed:
 - 26 (1) Zoning;
 - 27 (2) Areas intended to be dedicated or temporarily reserved for public
28 use or set aside for use of property owners in the project;
 - 29 (3) Building setback lines, including dimensions;
 - 30 (4) Easements for water, sewers, drainage, utility lines and any other
31 easements required by the planning commission's conceptual approval;

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12

(5) Tabulations showing: ~~the square footage and percent of total area in:~~

~~(A) Off street parking;~~

~~(B) Buildings and/or buildable area;~~

~~(C) Total floor space by use;~~

~~(D) Landscaped areas; and~~

~~(E) Impervious surfaces;~~

	<u>Square Feet</u>	<u>% Of Total</u>
	-	-
<u>Off street parking</u>	=	=
<u>Buildings and/or buildable area;</u>	=	=
<u>Total floor space by use;</u>	=	=
<u>Landscaped areas; and</u>	=	=
<u>Impervious surfaces</u>		
<u>Total area of existing tree canopy coverage to be mitigated</u>	=	=

13

14 (6) Dimensioned parking layout showing location of individual
15 parking stalls, driveways and other areas of ingress and egress;

16 (7) Location of consolidated open space;

17 (8) Location and type of solid waste disposal facilities.

18 3. A detailed landscaping plan. Such landscaping plans shall be prepared by a
19 qualified professional, and shall include:

20 a. Distribution of new plant material and trees described by name or type,
21 and plans for slope control and/or other physical environmental changes;

22 b. Special effects and decorative materials;

23 c. Irrigation systems (sprinkler, bubbler, etc.);

24 d. Recreation equipment;

- 1 e. An analysis of the impact of the development upon existing vegetation,
2 especially as it relates to the removal of any significant trees;
- 3 f. Location and description (height, materials) of existing and proposed
4 fences with any revised letters of agreement with abutting property owners; and
- 5 g. Location and description (dimensions, distance to property lines and type
6 of lighting [direct or indirect]) of existing and proposed freestanding signs.
- 7 4. A tree sustainability plan as required by Chapter 13.77 of this title.
- 8 5. Drawings of proposed structure elevations, including covered parking, showing
9 the height, dimensions, appearance, materials proposed, and percentage of each material
10 used on each building elevation, along with the location and description of any proposed
11 wall signs.
- 12 56. A detailed lighting plan prepared by a professional and emphasizing energy
13 conservation and compatibility with abutting and adjacent uses and using the minimum
14 light necessary to achieve visibility and security.
- 15 67. A will-serve letter to the community development director from each utility
16 company serving the project stating the company has reviewed the plan, its comments
17 concerning the extent of service availability, and acceptance of the proposed location of
18 all utility easements. A copy of the approved plan, initialed and stamped by the utility
19 company shall be submitted with the letter.
- 20 78. A copy of proposed CC&Rs, if applicable.
- 21 89. Statement of the estimated starting and completion dates for each phase of
22 development, including proposed grading work and any landscape work.
- 23 910. Two (2) full size paper copies of the proposed civil construction drawings, sheet
24 not to exceed twenty four inches by thirty six (24" x 36), and one 11-inch by 17-inch size
25 paper copy of each drawing with sufficient detail for construction of all improvements,
26 stamped by the project engineer including:
- 27 a. Horizontal control.
- 28 b. Demolition.
- 29 c. Grading and drainage.
- 30 d. Erosion control.
- 31 e. Utilities, on site and off site.

- 1 f. Roadway design.
- 2 g. Civil details, general notes, etc.
- 3 h. Appropriate supporting documents showing compliance with state and
- 4 federal standards such as: air emissions, site pollution prevention measures and
- 5 water discharge standards.

6 10. To mitigate possible adverse impacts from the proposed development, the
7 technical review committee shall determine from a review of the preliminary site plan
8 whether the following additional information shall be submitted:

- 9 a. Soil erosion, geological hazard and sedimentation studies and/or control
- 10 plans and specifications. Such studies, control plans, and specifications shall be
- 11 prepared by a qualified professional with the costs of preparation of such plans
- 12 and specifications being borne by the applicant.
- 13 b. A traffic study prepared by a qualified traffic engineer or other city
- 14 qualified person.

15 C. Final Review: The following items shall be submitted to the community development
16 director for final review:

- 17 1. A final site plan including all modifications or additions as required by the
- 18 planning commission preliminary site plan approval.
- 19 2. Title report as required by the city attorney.
- 20 3. All final site engineering data and plans.
- 21 4. Where applicable, a copy of the conditional use permit.
- 22 5. Where applicable, an approved tree sustainability plan and application for any
- 23 required tree removal permit.