



Meeting
Tuesday, June 22, 2021 - 5:00 PM
AGENDA

- 1 Call to Order
- 2 Action on Minutes
 - a May 25, 2021
- 3 Tree Preservation Ordinance
 - a Ordinance example
- 4 Arbor Day planning
- 5 Other Business
- 6 Adjourn



Tuesday, May 25, 2021 - 5:00 PM
MINUTES

1 Call to Order

Committee Chairman Marvin Block Called the Tree Commission meeting to order for May 25, 2021 at 5:00 p.m.

Members present: Chairman Block, Andy Bruney, Charlie Campbell, Donald Barnard, Leah Argyle (not present at roll call)

Absent: None

Staff present: Bailey Klimchak

Public present: None

2 Action on Minutes

It was moved and seconded to approve the minutes of September 29, 2020 and all were in favor; motion carried 4-0.

3 Commission Member Terms

a Appointments

Leah Argyle arrived (on line).

Two Commission member terms expired December 31, 2020; both Donald Barnard and Leah Argyle agreed to be reappointed, recommendation will be made to Council.

4 Budget

Bailey Klimchak said there is \$3,000 left in the budget for 2021; the budget started with \$10,000 and \$7,000 was spent at the beginning of January to take down dead trees along the trail as a matter of safety.

Discussion on maintenance of trail/trees beyond the municipal limit and four trees east of Concord Road that look ready to fall; Mr. Block said he would report that to the Licking Park District.

Chairman Block said he would like the Finance Committee to give the Tree Commission the courtesy of talking with them before money is spent; other members agreed they should know how much money they can spend before they start spending it, and to get at least a budget breakdown on how it is spent.

5 Dangerous Trees in the Village

Mr. Block said he spoke to someone at Dawes Arboretum who wants to form a coalition with Johnstown to try and work on some historic trees for the mastodon site as well as work in conjunction with us on other projects around town; added that he first spoke to him about the dangerous trees, he provided recommendations for arborists. Mr. Block said the most impressive was Randy who owns McCullough Tree Service, he is a certified arborist and his rate is \$85 per hour to come out and look, he also does take downs and trimming; added that if he got the job he could waive the \$85 per hour. Mr. Block said his thought was to have him come out and look at the trees in the right-of-way and that he would like to see us work with him every year or have him as a consultant and budget money annually to have him look after some of the old trees in the village. Committee discussion on liability and how the inspection would work; Ms. Klimchak said although not in the right-of-way she would like the big oak tree where the dog park will be to be looked at.

ACTION:	Andy Bruney moved to have McCullough Tree Service come in and do five hours at \$85 per hour to start and point out what trees need attention and what trees are a potential hazard and just need to be removed; Charlie Parker seconded and all were in favor.
AYES:	Marvin Block, Andy Bruney, Charlie Campbell, Don Barnard, Leah Argyle
NOES:	None
ABSTAIN:	None

Passed 5 - 0

Ms. Argyle said she would like to be there to hear; Ms. Klimchak said she could coordinate schedules. Mr. Block invited others to join; it would be a good learning experience.

6 Tree Preservation Ordinance

Baily Klimchak said a tree preservation ordinance would give better direction on what is considered a dangerous tree and would give the Commission and Council more power over trees on private property.

Mr. Block said he thinks it would be a nice idea to open the inspection service to homeowners inside Johnstown if they had a tree they wanted inspected, the resident would pay for the tree to be inspected and if it needed treatment they would have to take care of it but good to have someone that really knows what they are doing; would be a good service for the village. Ms. Klimchak said she would have an ordinance draft for next meeting.

7 2021 Meeting Schedule

a Proposed Schedule

Schedule presented for meetings on the fourth Tuesday of the month from 5 - 6 pm through October 2021; there was no objection by members on dates proposed. Ms. Klimchak noted that they could schedule more but need to have six meetings to apply for

Tree City again.

8 Other Business

1. Ms. Klimchak said last year they created the Memorial Tree Fund but have not received any donations; please continue to share.
2. Discussion on Arbor Day planning, committee in favor of celebrating in October.
3. Mr. Block to get pricing on different trees/sizes to offer wholesale pricing to residents.
4. Still need to make the tree inventory list; Andy Bruney to pull template previously sent, offered to do Leafy Dell.

9 Adjourn

ACTION: Mr. Barnard moved to Adjourn; Marvin Block seconded and all were in favor.

AYES: 5

NOES: None

ABSTAIN: None

Passed 5 - 0

Meeting adjourned approximately 5:40 pm

CHAPTER 1218

Tree Preservation and Management

- 1218.01 Purpose.**
- 1218.02 Applicability.**
- 1218.03 Definitions.**
- 1218.04 Special considerations for wooded areas.**
- 1218.05 Regulations for all developments.**
- 1218.06 Tree Protection and Management (TP&M) Plan Requirements.**
- 1218.07 Tree protection methods.**
- 1218.08 Tree installation and maintenance.**
- 1218.09 Inspections, violations and penalties.**

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20
Assessment for tree planting or maintenance - see Ohio R.C. 727.011
Shade Tree Assessments Fund - see ADM. 234.05(g)
Shade Tree Commission - see ADM. Ch. 280
Injury or destruction - see GEN. OFF. 642.06
Trees and shrubs generally - see S.U. & P.S. Ch. 1030
Street trees - Improvement Standards Ord. 76-2005

1218.01 PURPOSE.

The purpose of this chapter is to promote the public health, safety, and general welfare through the preservation, replacement, and planting of trees in order to lessen air pollution, intercept airborne particulate matter, reduce noise and light glare, moderate air temperature, moderate storm water runoff, reduce erosion and sedimentation, maintain wildlife habitats, provide visual screening, provide natural shading, protect property values, and enhance the natural beauty of Olmsted Falls.
(Ord. 54-2016. Passed 2-28-17.)

1218.02 APPLICABILITY.

The regulations of this Chapter shall apply to all lands in the City except as exempted in subsection (d) hereof.

- (a) No land shall be cleared of trees nor shall any tree with a DBH of eight (8) inches or greater be cleared or removed without first obtaining a permit pursuant to the provisions of this Chapter.
- (b) All development plans, subdivision plans, and new construction shall comply with the requirements of this Chapter.
- (c) No building permit or grading plan shall be approved without conformance with this Chapter.
- (d) The following shall be exempt from the regulations of this Chapter and from the requirement for a tree removal permit:
 - (1) The removal of dead, diseased, or damaged trees.
 - (2) Any tree on public property or within street rights-of-way.
 - (3) The removal of trees necessary for construction, operation, and maintenance of public streets, water lines, sanitary sewers, storm sewers and drainage facilities.
 - (4) The removal of trees necessary for the installation, maintenance, and repair of overhead utilities or underground utilities.
 - (5) The removal of trees in time of emergency or which pose a potential danger.
 - (6) The removal of trees by an individual single-family homeowner on their individual single-family lot.

(Ord. 54-2016. Passed 2-28-17.)

1218.03 DEFINITIONS.

The following terms are defined for the purposes of this chapter:

- (a) Buildable area: The area of construction for a building and parking area, including a distance of fifteen feet around the perimeter of the foundation of the building.
- (b) Clearing: Any act that causes a tree or other vegetation to decline and/or die. Such acts shall include, but not be limited to, damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by the storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.
- (c) Critical root zone (CRZ): This is the circular area surrounding a tree in which the tree's roots critical to its survival usually will be found, and which should be protected. The radius of the CRZ in feet is, typically, 1.5 times the DBH in inches. For example, if a tree's DBH is 10 inches then the CRZ is 1.5 times 10, resulting in a CRZ radius of 15 feet. This formula is particularly useful in dealing with trees that have been growing in a forest or that naturally have a narrow growth habit. Recognizing that the root zone varies with tree variety, the actual radius for the critical root zones shall be approved by the City Arborist.
(Ord. 73-2018. Passed 1-8-19.)
- (d) DBH: Diameter-at-breast-height is tree trunk diameter measured in inches at a height of four and one-half feet above the ground.
- (e) Protective barriers: Structural measures, such as fencing or berms, installed prior to construction for the purpose of preventing damage to trees during construction.
- (f) Tree: Any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.
- (g) Trees of quality: These are trees within a natural wooded area that can be expected to be a future asset to the property as determined by the City Arborist.
- (h) Trees, unacceptable species: Trees designated as such by the City's Shade-Tree Commission.
- (i) Wooded areas: A grouping of trees and other woody plants covering a land area of 10,000 square feet or greater, with at least ten

trees per 10,000 square feet (or an average of at least 40 trees per acre) having a two inch or greater DBH.
(Ord. 54-2016. Passed 2-28-17.)

1218.04 SPECIAL CONSIDERATIONS FOR WOODED AREAS.

It is recognized that there are three different ways in which wooded areas may be utilized within new developments. These different uses require different management and preservation approaches. It is further recognized that existing wooded areas may consist of quality trees mixed with undesirable trees and undesirable underbrush. The three utilization methods are as follows:

- (a) Natural undisturbed. Some developments may include, when completed, large wooded areas that are appropriate to have remain in their natural state. These areas shall be shown on the Tree Preservation and Management Plan and be approved by the Planning Commission as "Natural Undisturbed" areas after review and comment by the City Arborist.
- (b) Buffer zones or screening. In some cases, the trees of a wooded area may be utilized to provide (or contribute to providing) a required buffering or screening function. It will be necessary to identify specific trees or groups of trees that are appropriate for the screening/buffering purpose, with the balance to be removed without damaging those to be saved. Additional trees or other landscaping approaches may need to be added to achieve the intended purpose. The quality of the existing trees and their suitability, either individually or as a group, for the screening or buffering plan shall be proposed by the developer, documented in the TP&M Plan, and reviewed and recommended to the Planning and Zoning Commission by the City Arborist.

(Ord. 54-2016. Passed 2-28-17.)

1218.05 REGULATIONS FOR ALL DEVELOPMENTS.

(a) All proposed subdivisions and developments shall be designed to preserve, where possible, healthy trees and woodlands, especially trees providing natural buffering and trees having a caliper of eight (8) inches or greater, according to the following provisions:

(1) Design and layout criteria.

- A. Existing trees of quality, including but not limited to, trees in areas that are located outside the approved buildable area, in street rights-of-way, and in drainage ways and utility easements, shall be preserved to the extent practicable.
 - B. Building elevations and street elevations shall be designed to minimize the change in the existing natural grade.
 - C. Buildings and parking areas should be located to fit into the existing topography and preserve the natural amenities of the site.
- (2) Canopy Replacement. All new developments shall preserve, relocate, or plant trees on the site in order to create a future tree canopy cover in accordance with the following schedule:
- A. D-1, D-2, D-3 = 40%
 - B. D-4, D-5 = 35%
 - C. PRD = 30%
 - D. MUTND, P-1, P-2 = 25%
 - E. C-1, C-2, C-3, I-1, I-2 = 20%

Future canopy cover shall be calculated based upon tree maturity at thirty (30) years using the criteria set forth in the Street Tree Fact Sheets as calculated by the City Arborist and Street Tree Commission who shall make report their findings and analysis to the Planning and Zoning Commission.

(b) TP&M Plan Required. A TP&M Plan, as described in Section 1218.06, shall be submitted to the Planning and Zoning Commission at the time of the submittal of the Overall Conceptual Plan, the Preliminary Plat, or the Preliminary Development Plan, as appropriate. In addition, "street trees" are required along all streets as stated in the Improvement Standards of the City of Olmsted Falls.
(Ord. 54-2016. Passed 2-28-17.)

1218.06 TREE PROTECTION AND MANAGEMENT (TP&M) PLAN REQUIREMENTS.

Before any clearing or disturbance of the property pursuant to the requirements of this Chapter, a TP&M Plan shall be presented to and approved by the Planning and Zoning Commission.

(a) The submission and approval of the TP&M Plan can be a phased process if the project itself is phased.

(1) Initial Overall TP&M Plan. An Initial Overall TP&M Plan shall be provided at an appropriate scale that shows wooded areas within the total area and that provides some of the details required by Section 1218.07 by identifying in a general way the condition of the trees in those areas that are to be cleared for roadways, utilities, etc. The roadways and utility areas shall be located so as to preserve desirable trees insofar as is practicable. In addition, the planned uses of the wooded areas shall be indicated in terms as defined in 1218.04, at least for those portions to be utilized as "Natural Undisturbed" or for "Buffer Zones or Screening".

(2) Detailed TP&M Plan. A detailed TP&M Plan shall be prepared by qualified individual and submitted to the Planning and Zoning Commission as part of a request for Preliminary Plat Approval for a subdivision or Preliminary Development Plan Approval. The Tree Protection and Management Plan shall comply with Subsection (b) hereof.

(b) The Tree Protection and Management Plan shall be drawn at an appropriate scale and shall indicate the following:

- (1) Specific wooded areas that are proposed for use as "Natural Undisturbed", or "Buffer Zones or Screening as defined in Section 1218.04 shall be delineated
 - (2) All individual trees greater than eight (8) inch caliper that are not part of a wooded area to be preserved and counted in the tree canopy replacement;
 - (3) All new trees to be planted on the site to meet the minimum canopy replacement requirements set forth in Section 1218.05(a)(2); and
 - (4) The location and outline of all existing and proposed buildings, driveways, parking lots, and drainage ways on the property.
 - (5) Tree aeration systems if proposed.
- (c) The TP&M Plan(s) must be reviewed by the Planning and Zoning Commission and receive its approval prior to any clearance or disturbance of the property. The Planning and Zoning Commission may request review comments from the Shade Tree Commission for street areas and /or public property and may request additional review from the City Arborist and/or City

Engineer.

(Ord. 54-2016. Passed 2-28-17.)

1218.07 TREE PROTECTION METHODS.

All existing trees to be retained shall be protected during construction according to the following tree-protection methods.

- (a) Tree Protection Zones. The development plan or subdivision plat shall show the number and location of existing trees as required by these regulations and shall further indicate all those marked for retention. All trees to be retained shall be designated in identified tree protection zones on the landscape plan submitted as part of the development plan or subdivision plat. (Tree protection zones for trees on adjacent properties whose critical root zones extend into the subject property must also be delineated.) The plan may include multiple zones, which do not need to be contiguous. The tree protection zones shall at a minimum encompass the critical root zones of all existing trees to be retained.
- (b) Placement of Tree Protective Barriers. Tree protection zones shall be protected according to the following:
 - (1) Prior to construction, clearing, or other disturbance of the property, all trees or groups of trees to be preserved shall be marked with a blue ribbon or blue paint-stripe and tree protective barriers located so as to totally encompass the perimeter of the tree protective zones. Such barriers shall be of orange plastic construction fencing that is at least four and one-half (4 ½) feet in height and held in place by seven (7) foot poles placed on no more than eight (8) foot centers.
 - (2) Protective barriers shall remain in place until construction is complete, landscaping is installed, and an occupancy permit has been issued.
 - (3) No land disturbance, including grading or filling, shall occur within the tree protection zone except as may be approved by the City Engineer when a tree aeration system is installed. Tree aeration systems, if recommended by the City Arborist and required by the Planning Commission, shall be shown on the TP&M Plan and their installation shall be monitored by the City Arborist.
 - (4) Areas within the tree protection zones shall not be disturbed in any way. They shall be kept free of all building materials, dirt, chemicals (including fuels and lubricants), contaminated water or other foreign materials, construction debris, and vehicles. Personnel shall not enter those zones except to perform essential tree and landscaping functions.

(Ord. 54-2016. Passed 2-28-17.)

1218.08 TREE INSTALLATION AND MAINTENANCE.

(a) New trees required to be planted in order to meet the minimum tree requirements set forth herein shall be installed according to an approved landscape or tree preservation plan within six months of completion of the building and prior to the issuance of an occupancy permit, unless otherwise approved by the City Engineer. Performance and maintenance bonds shall be provided per Section 1224.09(a) and (b). If the weather makes planting impractical, an extension, if requested in writing, may be granted by the City Engineer. Failure to install the trees within the required time shall result in forfeiture of the bond to the City to be used for the installation of required trees.

(b) All trees and vegetation planted shall be healthy and adapted to northeast Ohio or similar climates, and they shall be properly installed using planting procedures as defined in written documents available from the Shade Tree Commission.

(c) All trees required in this chapter shall be maintained in a healthy condition. Any required tree that does not thrive or is removed from any reason within two years of installation of said tree shall be replaced with a new tree or trees to conform to the minimum tree requirements set forth in Section 1218.05. A bond or other security shall be provided to the City to allow fulfillment of this requirement.

(Ord. 54-2016. Passed 2-28-17.)

1218.09 INSPECTIONS, VIOLATIONS AND PENALTIES.

(a) The City may inspect the site during construction to insure that, in accordance with the approved Tree Protection and Management Plan, the trees and their root-zones are being properly protected and remain undamaged. If violations or damage is found, the construction may be stopped until remedies are provided.

(b) Any tree in excess of eight (8) inch caliper that is damaged, or whose critical root-zone is imperiled to such extent as to seriously injure the tree and/or make its survival for two years uncertain, is to be replaced with a tree having a minimum caliper of two and one-half (2.5) inches for deciduous trees and a minimum height of eight (8) feet for evergreen trees.

(Ord. 54-2016. Passed 2-28-17.)