

## Mission Tree Canopy Ordinance **DRAFT 2.7.24**

### 1.0 Purpose

To provide policies and procedures for tree removal and replacement within City property and City right-of-way and expand the tree canopy based on recommendations in the Tree Plan and the Climate Protection Plan. This will be applied with the following

considerations:

- The City acknowledges the benefits that city trees, as part of the city's infrastructure, provide to all residents, businesses and institutions;
- The City acknowledges that trees play an integral part in contributing to climate protection and reducing greenhouse gases; and
- It is in the interest of the city to retain existing city trees whenever possible.
- The city has a commitment to replacing tree canopy cover removed and increasing tree canopy cover to 35% as recommended in the Tree Plan.

### 3.0 Definitions

3.1 City Property: Any parcel or lands owned by the Mission, KS

3.2 City Right of Way: The area on, below or above the present and future city streets, alleys, bridges, bikeways, parkways and sidewalks.

3.3 Dead Tree: A tree that has no live, leafy crown and, as a result, is no longer contributing to the forest canopy, as determined by Parks.

3.4 Diameter at Breast Height (DBH): The diameter of the tree's trunk at 4.5 feet from ground surface.

3.5 Easement: An interest in real property that conveys use, but not ownership, of a portion of an owner's property. An easement in perpetuity for the installation and maintenance of public utilities and/or facilities, and for all purposes for which the City is authorized by law to subject real property.

3.6 Green Stormwater Infrastructure (GSI) Footprint: The GSI footprint is defined as the area occupied by the permanent vegetated GSI feature itself. It does not consist

of areas outside of the permanent vegetated GSI feature, for example, the GSI footprint does not consist of the areas disturbed temporarily to install underground pipes that

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serve the GSI feature or pavement that is installed by the GSI feature for maintenance vehicle access.

3.7 Live Tree: A tree with any portion of its leafy crown still living and contributing to the forest canopy, as determined by Parks.

3.8 Parks and Recreation: Parks is a division of the Parks and Recreation Department which includes the Parks Maintenance Supervisor and staff.

Parks is responsible for the management and care of all city trees on city owned properties and rights of way in Mission, KS.

3.9 Special Trees: Trees that may be considered important community resources because of unique or noteworthy characteristics or values. Such trees may be described as heritage, historic, legacy, champion, special interest, specimen or similar terms. Criteria for Special Trees include but are not limited to, unusual size, species, age; association with a notable historical event, person, structure or landscape; aesthetics, location. Recognition that a tree is a Special tree is generally conferred by a governing body (e.g., city council) or other organizations or groups (e.g., historical society) but may also be by people in the community where the tree is located.

3.10 Street / Boulevard Tree: Trees that are in the City right-of-way along City streets, boulevards, and parkways that fall under the jurisdiction of Parks and Recreation Parks.

3.11 Tree: Tree, as used in this AR, refers to both an individual tree or a number of removals or replacement trees.

3.12 Tree Caliper: Caliper measurement shall be taken six inches above the ground level for field grown stock and from the soil line for container grown stock, which should be at or near the top of the root flare, and six inches above the root flare for bare root plants, up to and including the four-inch caliper size interval (i.e., from four inches up to, but not including, 4½ inches). If the caliper measured at six inches is four and one-half

inches or more, the caliper shall be measured at 12 inches above the ground level, soil line, or root flare, as appropriate. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic “slot” or “pincer” type caliper tools should be the average of the smallest and largest measurements, as defined in ANSI Z60.1.

3.13 Invasive Tree Species: Any tree listed on Kansas Forest Service of Conservation’s Invasive Plant Species List available online

**PROVIDE LINK HERE**

3.14 Undeveloped/Natural Area Tree: Any trees located in an undeveloped or a natural area.

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4.0 Responsible Department. Parks and Recreation and Community Development Department oversees the management of trees located on City property or within City right-of-way.

5.0 Policies and Procedures

5.1 Tree Removal

5.1.1 Dead Tree Removal and Replacement. Trees confirmed dead by Parks and Recreation within City property and City right-of-way are generally removed and do not require replacement under this AR.

5.1.2 Live Tree Removal Due to Construction. Live trees on construction sites located within City property and City right-of-ways will be preserved wherever possible; however, trees may be removed and replaced at the discretion of Parks during the course of construction. Construction projects include, but are not limited to:

- buildings • sidewalks • streets
- trails • utility infrastructure

5.1.3 Live Tree Removal Due to Utility Projects. In making utility repairs, the City must try to accommodate and preserve live trees whenever possible. Trees may be removed and replaced at the discretion of Parks. In emergency situations, trees may be removed as required with notification to Parks + Recreation within 24 hours.

5.1.4 Live Tree Removal for Other Reasons. Live tree removal requests submitted with no justifiable reason are generally denied, however exceptions will be made at the discretion of Parks and subject to replacement compliance.

5.2 Tree Replacement. The standard for determining tree replacement is specified below in Table 1 and in Table 2. It is preferable to plant the replacement tree in close proximity to the location of the original tree. New locations should be found on the same site or in the same neighborhood at an acceptable location per the Parks recommendation. Alternatively, the replacement trees may be located on City and/or Parks property elsewhere at an acceptable location per the Parks recommendation. Actual tree replacement plantings shall be a minimum of one inch (1") caliper, unless otherwise approved by the Parks. The Parks + Recreation employees shall be available to work with the affected organizations identified herein, on a case by case basis, to help with tree choices, tree purchases, and tree maintenance, as appropriate.

5.2.1 Invasive Tree Species - These species of trees do not qualify for replacement where individual trees are being considered or in forested areas where they comprise 50% or more of the tree canopy in an area of 0.25 acres or greater. See Sec. 3.12.

5.2.2 KC Water Utilities – When digging to plant or remove trees, proper planning is required to prevent disruption of water, sewer, or storm services. Alternate tree planting locations shall be identified for areas where there are buried utilities within water, sewer, or storm easements or utility corridors. This does not include water, sewer, or storm utilities within the street right-of-way. Alternate planting locations shall be approved by Parks.

#### **INTERESTING OPTION THAT KC, MO HAS IN PLACE**

*5.2.4 Kansas City Tree Replacement Fund - All tree replacement funds under this AR will be administered by Parks + Recreation under the direction of the appropriately designated employee. The payment for trees removed is the number of 1" caliper tree replacements required times the average cost per caliper-inch of tree*

replacements. The tree replacement average cost is established by wholesale tree prices and the average costs of current tree planting contract rates and will include all costs for materials, labor, maintenance and warranty. The average tree replacement cost will be reviewed annually, or as determined necessary, by Parks and adjusted accordingly. Funds for tree replacements will be tracked using a unique project number named Kansas City Tree Replacement established for the purpose of planting and maintaining trees. Remaining funds in this project number will roll forward each fiscal year. Appropriations from the Kansas City Tree Replacement fund do not create a demand against the General Fund and may not be made until such revenues are sufficient to meet demand for appropriations.

Funds from this project number can only be used for expenses incurred that are directly related to the planting and maintenance of trees. These expenses may include but are not limited to labor, materials, administration, education, and outreach for both City staff or contracted services. All project expenditures shall be in accordance with all other sections of this AR

### **5.2.5 Tables of Tree Replacement Rates**

#### **A. Table 1 Tree Replacement Rate – Street/Boulevard Trees**

<b>Size of Tree Removed (DBH)</b>	<b>Rate of Replacement (1" Caliper Trees)</b>
1" – 5"	2 to 1
6" – 10"	3 to 1
11" – 16"	4 to 1
17" – 23"	5 to 1
24" – 31"	6 to 1
32" +	8 to 1

Areas for consideration under Table 2-a shall be 0.25 acres or greater with a tree canopy cover of 20% or higher. Otherwise, as noted in Table 2-b, trees on public lands will be treated individually and will be replaced at the following ratios based on the area profile rating as follows:

**C. Table 2-b – Profile Area Replacement Ratio**

<b>Area Profile</b>	<b>Description of Use</b>	<b>Replacement Ratio</b>
Low	Open field or undeveloped/natural areas	2:1
Medium	Includes, but is not limited to, trails, playgrounds, benches, and other amenities	3:1
High	Special trees may include historic, champion, notable, featured or other trees as defined in Sec. 3.8.	Use Table 1