

TOWN HALL MEETING: DECEMBER 14, 2022
TREE REMOVAL AMENDMENTS: CHAPTER 18.18 OF THE CURRENT AND SECTION 3.5.060 OF THE PROPOSED
JACKSONVILLE LAND DEVELOPMENT CODE

Focus Area 1

Overview:

- The Citizen Advisory Committee (CAC) is finalizing tree removal standards
- Because of increased fire risk, this amendment will be accelerated ahead of the other code amendments.
- The amendments to the current development code are intended to be consistent with the new development code.
- The CAC had to adjust for some process differences.

Amendments to 18.18.020, and the draft ordinance section 3.5.060, *Tree Removal Standards*

The tree standards specify rules for removing “live resource trees.”

Consistent with current code, a live resource tree is a tree that has a minimum diameter of 12 inches measured at 4 feet above ground level.

Tree Removal Permit

Requires notice and review by the Planning Director after the notice period. This applies for non-residential zoning Districts: General Commercial, Historic Core, Artisan, and also residential districts where there are protected areas associated with riparian or wetlands.

Approval Criteria:

Upon receipt of a complete Tree Removal Application, it must be demonstrated that the tree is:

1. In danger of collapse;
2. Necessary to protect a historic, or primary residential structure in the City.
3. A fire hazard as determined by the Fire Chief;
4. Diseased or blighted endangering its survival and that of nearby trees
5. The tree is located within a proposed building envelope, proposed street, driveway, or parking area and there is no alternative design for a proposed development that would eliminate the need to remove the tree(s).

Administrative Tree Removal

An administrative review, or clearance, will have a lower fee and will not require notice. The standards will apply in all residential zoning districts except those located in the Hillside Residential Zoning District.

In situations where no development is associated with the request, an applicant may request an administrative review for removal if one of the conditions is applicable:

The tree is:

1. In danger of collapse;

2. Necessary to protect a historic or primary residential structure;
3. A fire hazard as determined by the Fire Chief;
4. A public health and safety hazard; or,
5. Diseased or blighted endangering its survival and that of nearby trees.

Nuisance Tree Removal

Nuisance Trees, with exception to those in protected areas, may be removed subject to administrative review in all zoning districts. They include Trees of Heaven, Cottonwoods, Poplars, Aspens, and Leyland Cypress. The Historical and Architectural Review Commission (HARC) will have the ability to maintain a list of additional Nuisance trees.

Emergency Tree Removal

An emergency tree removal clearance option available in instances where the condition of a tree presents an immediate danger of collapse and represents a clear and present hazard to persons or property.

Mitigation

The City will require replanting at a 1:1 ratio unless there is a conflict with applicable state fire regulations or waived by the Planning Director. The replacement will need to be a minimum 1.5" caliper (at four-foot height above ground) healthy and well-branched tree for each tree removed.

Focus Area 2

Overview:

The purpose of the Riparian overlay is to implement the goals and policies established in the “Environmental Element” of the Jacksonville Comprehensive Plan. The specific goals are to:

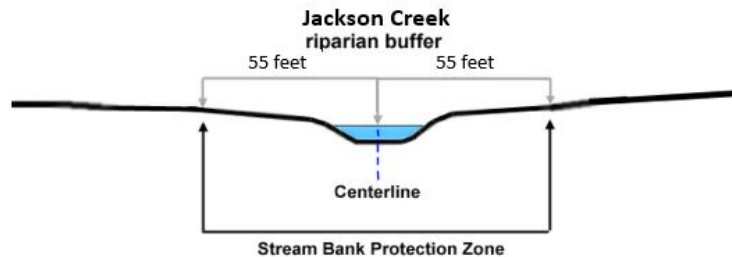
- Protect and restore Jacksonville’s riparian corridors;
- Enhance water quality, control erosion and sedimentation, and reduce the effects of flooding;
- Protect and restore the natural beauty and distinctive character of Jacksonville’s riparian areas as community assets;
- Enhance the value of properties near riparian areas by utilizing the riparian area as a visual amenity; and,
- Enhance coordination among local, state, and federal agencies regarding development activities in and proximate to riparian corridors or identified wetlands.

Riparian Corridor Overlay

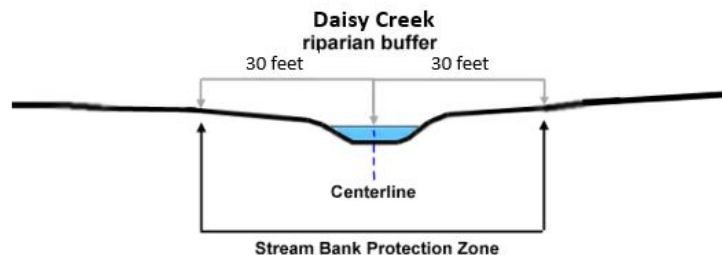
Boundary Determination:

The riparian standards apply to Jackson and Daisy Creeks. Modifications on these sites require an applicant to delineate the boundary of the riparian corridors.

Boundary for Jackson Creek:



Boundary for Daisy Creek:



Prohibited Activities within Riparian Corridors:

1. Placement of structures or impervious surfaces, including fences, decks, etc.
2. Excavation, grading, fill, stream alteration or diversion, or removal of vegetation, except for perimeter mowing for fire protection purposes.
3. Expansion of pre-existing non-native ornamental vegetation such as lawn.
4. Dumping, piling, or disposal of refuse, yard debris, or other material.
5. Application of chemicals such as herbicides, pesticides, fertilizers, etc.
6. Land Partitions and Property Line Adjustments which would create parcels that cannot be developed in conformance with the Riparian Protection Overlay.

Permitted Activities within Riparian Corridors:

1. Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of road crossings, or water flow improvements.
2. Restoration and enhancement of native vegetation, including; the addition of canopy trees, cutting of trees which pose a hazard, removal of non-native vegetation if replaced with native plant species at the same level of coverage or density.
3. Streets, roads, bridges, and paths where necessary for access or crossings.
4. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
5. Drainage facilities, utilities, and irrigation pumps.
6. Water-related and water-dependent uses.

Conservation and Maintenance of Riparian Corridors:

The draft development code specifies when approving applications for properties subject to the riparian standards, the approving authority establish conditions ensuring the long-term maintenance and conservation of the corridor.

Relief

There are two possible routes for relief:

1. A setback adjustment. This provides a path for the Planning Commission to reduce a setback opposite of the corridor in order to provide protection of the full riparian boundary.
2. An Exception. In cases where the setback adjustment will not work, someone may request an exception to encroach into the riparian area. However, the encroachment cannot be more than 50 percent of the width of the corridor. The Planning Commission will review whether the encroachment is the minimum to alleviate the hardship. Additionally, the applicant will be required to restore and enhance the bank.

Focus Area 3

Overview:

The purpose of the Wetland overlay is to implement the goals and policies of the “Environmental Element” of the Jacksonville Comprehensive Plan and to implement state and federal law with respect to the protection of Jacksonville’s natural resources. The specific goals are to:

- Protect and restore Jacksonville’s wetland areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.
- Enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.
- Enhance coordination among local, state, and federal agencies regarding development activities in and proximate to wetland areas.

Wetland Protection Overlay

Boundary Determination:

Alterations or development of any property or parcel containing or located within fifty (50’) feet of, a wetland area identified on the Local Wetlands Inventory are subject to the wetland standards. The City maintains a local wetlands map, which provides general locations of wetlands. The applicant is required to use a qualified professional to delineate the resource and provide a precise boundary at the time of a development application. The Planning Commission reviews and has to approve a delineation prior to site development.

Prohibited Activities within Wetland Protection Areas:

1. Placement of structures or impervious surfaces, including septic drain fields, fences, decks, etc.
2. Excavation, grading, fill, or removal of vegetation, except for perimeter mowing for fire protection purposes. Non-native vegetation may be replaced with native plants.
3. Expansion of pre-existing non-native landscaping such as lawn.
4. Dumping, piling, or disposal of refuse, yard debris, or other material.
5. Application of chemicals such as herbicides, pesticides, and fertilizers.

Permitted Activities within Wetland Protection Areas:

Certain activities are permitted within wetland areas subject to permits issued by the Department of State Lands and the U.S. Army Corps of Engineers.

1. Restoration and enhancement of native vegetation, including; the addition of canopy trees, cutting of trees which pose a hazard, removal of non-native vegetation if replaced with native plant species at the same level of coverage or density.
2. Utilities or other public improvements.
3. Streets, roads, or bridges where necessary for access or crossings.
4. Multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and

overlooks, including benches and outdoor furniture.

5. Replacement of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein with a structure in the same location, if it does not disturb additional area, and in accordance with the provisions of this chapter.
6. Expansion of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein, if the expansion area is not within the wetland protection area, and in accordance with the provisions of this chapter.

Conservation and Maintenance of Wetland Resource Areas:

The draft development code specifies when approving applications for properties subject to the wetland standards, the approving authority establish conditions ensuring the long-term maintenance and conservation of the protected areas. This includes requiring deed restrictions, CC&Rs, or transfer to a public agency.

Re-delineation

An applicant may apply for a re-delineation if the applicant desires to demonstrate that the previous boundary is no longer accurate, there is evidence of a substantial change in circumstances that has affected the location, or the City Council adopts new delineation standards or requirements since the delineation. The Planning Commission is required to review such requests.

Focus Area 4

Overview:

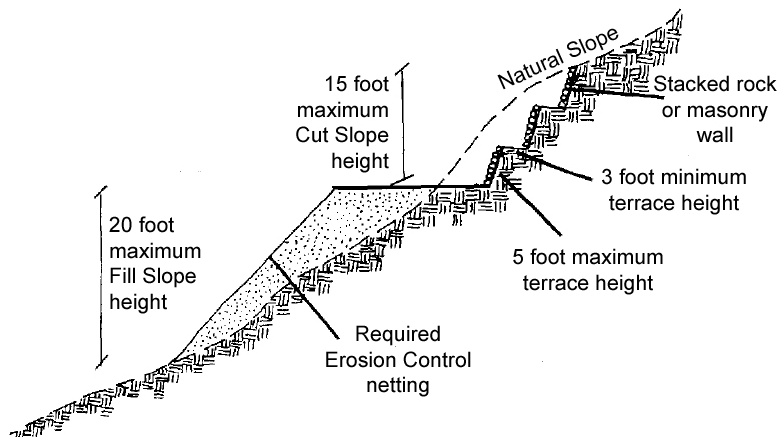
- The purpose of the steep slope section is to provide supplementary standards for parcels with slopes greater than 20 percent.
- The current development code only required these standards in the Hillside Zone. This is more specific and tied to site conditions
- The city will maintain a slope map as a tool for staff and applicants to identify steep slope areas.

General standards

The standards limit development and prevent additional land division on lands with more than 30 percent slope. For anything over 20 percent, there are specific requirements for building envelopes, roads and driveways, and other infrastructure.

The general standards require:

- Driveways and streets comply with the most recent fire code access standards.
- Geotechnical studies for partitions of land and subdivisions.
- Grading and erosion control plans prepared by a licensed engineer, or geologist
- Standards for cuts and terracing.
- Surface and groundwater drainage standards, designed in a manner that will avoid erosion on site and to downstream properties.
- Mitigation of visual bulk by using stepped foundations



Specific Tree Protection and Revegetation Requirements

This section requires revegetation of cut and fill slopes prior to the issuance of a certificate of occupancy. This is intended to stabilize the cuts and prevent erosion and runoff. There are also specific tree conservation and protection considerations.