SMART GROWTH
Greater Madison

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Smart Growth Greater Madison recommends the following changes to the proposed changes to the Standard Specifications for Public Works Projects and the proposed Street Tree Protection Ordinance

Standard Specifications for Public Works Projects sec. 107.13

Current proposed new text:

The Tree Protection Zone is the area around a tree that is the greater of either 5 feet, or 1 foot for each DBH. The Tree Protection Zone may be increased or decreased by the City Forester based on the unique characteristics of the tree in question.

SGGM's recommended new text:

The Tree Protection Zone is the area around a tree that is within a radius from the tree that is the greater of either 5 feet, or 1 foot for each DBH. The Tree Protection Zone may be increased or decreased by the City Forester based on the unique characteristics of the tree in question and the need for construction equipment to access adjacent development sites. The Tree Protection Zone is only within the public right of way and does not extend into adjacent private property.

New subs. (11), para. (d) in MGO sec. 10.05

Current proposed new text:

(11) Other Obligations.

(d) Tree Protection.

1. Requirement. For any trees within the project area that are not the subject of a tree trimming, pruning or removal permit issued under Sec. 10.101, the applicant shall comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction, where applicable, while performing work under the permit issued under this Section.

2. Penalty. In addition to revocation or suspension of the permit under Sub. (12) and the requirements of Section 10.105, the failure to comply with the Tree Protection

3. Specifications as required under this Subdivision shall be subject to a forfeiture of five hundred dollars ($500), unless the violation results in the removal of a tree, in which case the forfeiture shall be one hundred and fifty dollars ($150) per trunk diameter inch of the impacted tree, as measured or estimated at 4 1/2 feet above the ground and rounded down to the nearest inch. Each day such violation or failure to comply continues shall be considered a separate offense.

(12) Revocations, Suspensions, Refusals to Issue or Extend Permits.

(a) Grounds . The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

16. The applicant or Permittee has failed to identify impacted trees, comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction or an approved tree trimming or tree replacement plan, or caused unauthorized injury or damages, including removal, of right-of-way trees on prior projects.

SGGM's proposed new text:

(11) Other Obligations.

(d) Tree Protection.

4. Requirement. For any trees within the project area that are not the subject of a tree trimming, pruning or removal permit issued under Sec. 10.101, the applicant shall comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction, where applicable, while performing work under the permit issued under this Section.

5. Penalty. In addition to revocation or suspension of the permit under Sub. (12) and the requirements of Section 10.105, the failure to comply with the Tree Protection Specifications as required under this Subdivision shall be subject to a forfeiture of five hundred dollars ($500), unless the violation results in the unauthorized removal of a tree, in which case the forfeiture shall be one hundred and fifty dollars ($150) per trunk diameter inch of the impacted tree, as measured or estimated at 4 1/2 feet above the ground and rounded down to the nearest inch. Each day such violation or failure to comply continues shall be considered a separate offense.

(12) Revocations, Suspensions, Refusals to Issue or Extend Permits.

(a) Grounds . The Department may refuse to issue a permit or may revoke, suspend or refuse to extend an existing permit if it finds any of the following grounds:

16. The applicant or Permittee has failed to identify impacted trees~~,~~ In addition, the Department may suspend a permit for 20 days if the applicant or Permittee failed to comply with Section

107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction or an approved tree trimming or tree replacement plan, or caused unauthorized injury or damages, including removal, of right-of-way trees on prior projects.

New para. (s) in MGO sec. 10.055, subs. (4)

Current proposed new text:

(S) Tree Protection

1. Requirement. For any trees within the project area that are not the subject of a tree trimming, pruning or removal permit issued under Sec. 10.101, the applicant shall comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction, where applicable, while occupying the permitted area.

2. Penalty. In addition to revocation or suspension of the permit under Sub. (6) and the requirements of 10.105, the failure to comply with the Tree Protection Specifications as required under this Subdivision shall be subject to a forfeiture of five hundred dollars ($500), unless the violation results in the removal of a tree, in which case the forfeiture shall be one hundred and fifty dollars ($150) per trunk diameter inch of the impacted tree, as measured or estimated at 4 1/2 feet above the ground and rounded down to the nearest inch. Each day such violation or failure to comply continues shall be considered a separate offense.

SGGM's proposed new text:

(S) Tree Protection

1. Requirement. For any trees within the project area that are not the subject of a tree trimming, pruning or removal permit issued under Sec. 10.101, the applicant shall comply with Section 107.13, the Tree Protection Specifications, of the City's Standard Specifications for Public Works Construction, where applicable, while occupying the permitted area.

2. Penalty. In addition to revocation or suspension of the permit under Sub. (6) and the requirements of 10.105, the failure to comply with the Tree Protection Specifications as required under this Subdivision shall be subject to a forfeiture of five hundred dollars ($500), unless the violation results in the unauthorized removal of a tree, in which case the forfeiture shall be one hundred and fifty dollars ($150) per trunk diameter inch of the impacted tree, as measured or estimated at 4 1/2 feet above the ground and rounded down to the nearest inch. Each day such violation or failure to comply continues shall be considered a separate offense.

Change to subs. (5) of MGO sed. 10.055

Current proposed new text:

(5) Public Trees . Any trimming, pruning or removal of public trees within the permitted area will require the prior issuance of a separate permit under Sec. 10.101. The trimming, pruning or removal of any City tree without a permit issued under Sec. 10.101 or without the permission of the City Forester shall be cause to revoke a permit issued under this Section. Any tree removal is further subject to Sec. 10.105.

SGGM's recommended new text:

(5) Public Trees . Any trimming, pruning or removal of public trees within the permitted area will require the prior issuance of a separate permit under Sec. 10.101. The trimming, pruning or removal of any City tree without a permit issued under Sec. 10.101 or without the permission of the City Forester shall be cause to ~~revoke~~ suspend a permit issued under this Section for 20 days. Any tree removal is further subject to Sec. 10.105.

New paragraph (e) in MGO sec. 10.08, subs. (3)

Current proposed new text:

No entrance shall be located where an existing City street tree is present unless no other location is available, the applicant obtains a tree trimming, pruning or removal permit under Sec. 10.101, and the applicant complies with Sec. 10.105.

SGGM's recommended new text:

No entrance shall be located where an existing City street tree is present unless no other location is available, the applicant obtains a tree trimming, pruning or removal permit under Sec. 10.101, and the applicant complies with Sec. 10.105, except as follows:

1. If another section of the Madison General Ordinances or City policy or City department prohibits an entrance from being located where a City street tree is not present, city staff shall decide which ordinance or policy has priority regarding the location of the entrance.
2. If an owner of private property shows that a proposed development project would be adversely impacted by requiring an entrance to be located where no existing City street tree is present, the City Forester has discretion to allow an applicant to obtain a permit to remove a City street tree under Sec. 10.101 taking into consideration the size and condition of the street tree that would be removed.

New MGO section 10.105, subs. (5)

Current proposed new text:

Valuation. The City Forester shall determine the value of the removed street tree by applying the City Forester's Street Tree Valuation Policy, which policy shall be created by the City Forester and approved by the Board of Public Works. The Policy shall be updated at least bi-annually so that the valuations reflect the City's updated costs. In establishing the policy, the City Forester shall consider a tree's replacement cost (the costs that will be incurred by the City to purchase suitable replacement(s) for the tree), and reestablishment costs (the costs that will be incurred by the City to prepare a site suitable for sufficient canopy growth to replace the lost tree). Other factors to consider will include, but not be limited to, size, age, species, and character of the tree, type of street, soil condition, and the existing tree canopy. The value determination for a tree is meant to reflect the City's actual costs that would be incurred to replace the removed tree.

SGGM's recommended new text:

Valuation. The City Forester shall determine the value of the removed street tree by applying the City Forester's Street Tree Valuation Policy, which policy shall be created by the City Forester and approved by the Board of Public Works. The Policy shall be updated at least bi-annually so that the valuations reflect the City's updated costs. In establishing the policy, the City Forester shall consider a tree's replacement cost (the costs that will be incurred by the City to purchase suitable replacement(s) for the tree), and reestablishment costs (the costs that will be incurred by the City to prepare a site suitable for sufficient canopy growth to replace the lost tree). Other factors to consider will include, but not be limited to, size, age, species, and character of the tree, type of street, soil condition, health condition and the existing tree canopy. The value determination for a tree is meant to reflect the City's actual costs that would be incurred to replace the removed tree.