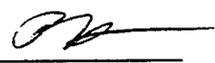


12/13 - 3rd Reading

11/29 - 2nd Reading

**AGENDA ITEM SUMMARY**

DATE: 11/22/10 DEPARTMENT: PW DEPT. HEAD SIGNATURE: 

**SUBJECT:** A city initiated text amendment to Section 12.20.030.1 of the Hailey Municipal Code to implement a revision to the Tree Ordinance to address encroachment fees, replacement costs and procedures for Public Trees.

**AUTHORITY:**  ID Code \_\_\_\_\_  IAR \_\_\_\_\_  City Ordinance/Code \_\_\_\_\_  
(IF APPLICABLE)

**BACKGROUND/SUMMARY OF ALTERNATIVES CONSIDERED:**

This item was discussed at the October 25, 2010 council meeting and a minor revision was made to remove the word "maintain" from the first sentence of Section 12.20.030.1. The items below were discussed as the reasons to revise the ordinance.

1. When a person asks to be allowed to remove a public tree that is dead, dying or presenting a risk at their expense our ordinance currently requires an encroachment permit which requires a \$50 fee. As they are assisting with what would otherwise be our cost the Tree Committee feels that this fee should be waived.
2. When there is no reason for a public tree to be removed as requested by a property owner this ordinance revision would allow for the option of paying the City the value of the tree that we would use to replant elsewhere.
3. The Tree Committee has developed a permit form for reviewing the condition of a tree being requested to be removed. They are requesting that Council approve their recommended form.

**Recommendation:**

Motion to approve the Tree Removal Application Form and to approve the Ordinance and conduct the first reading by title only.

**FISCAL IMPACT / PROJECT FINANCIAL ANALYSIS:** Caselle # \_\_\_\_\_

Budget Line Item # \_\_\_\_\_ YTD Line Item Balance \$ \_\_\_\_\_

Estimated Hours Spent to Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

Staff Contact: Tom Hellen Phone # 788-9830 Ext 14

Comments: \_\_\_\_\_

**ACKNOWLEDGEMENT BY OTHER AFFECTED CITY DEPARTMENTS:** (IF APPLICABLE)

___ City Attorney	___ Clerk / Finance Director	___ Engineer	___ Building
___ Library	___ Planning	___ Fire Dept.	___
___ Safety Committee	___ P & Z Commission	___ Police	___
___ Streets	___ Public Works, Parks	___ Mayor	___

**RECOMMENDATION FROM APPLICABLE DEPARTMENT HEAD:**

**ADMINISTRATIVE COMMENTS/APPROVAL:**

City Administrator \_\_\_\_\_

Dept. Head Attend Meeting (circle one) Yes No

**ACTION OF THE CITY COUNCIL:**

Date 11/22 Council approval ord. No. 1076 & Mayor conducted

11/29 - 1st Reading  
12/13 - 2nd Reading  
          - 3rd Reading

City Clerk \_\_\_\_\_

**FOLLOW-UP:**

\*Ord./Res./Agmt./Order Originals: Record

\*Additional/Exceptional Originals to: \_\_\_\_\_

Copies (all info.): \_\_\_\_\_

Copies (AIS only) \_\_\_\_\_

Instrument # \_\_\_\_\_

Draft 12-30-03

## HAILEY ORDINANCE NO. 1076

AN ORDINANCE OF THE CITY OF HAILEY, IDAHO, AMENDING SECTION 12.20.030.1 TO REGULATE STANDARDS FOR ENCROACHMENT PERMITS AND REPLACEMENT OPTIONS FOR PUBLIC TREES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Mayor and the City Council of the City of Hailey have adopted the City of Hailey Parks, Lands & Trails Master Plan, Standards & Guidelines ("Master Plan"), which promotes diverse recreation opportunities within walking distance for the greatest number of residents of Hailey;

WHEREAS, the Master Plan recognizes that our trees, which make up our community forest, are an asset and contribute to reduced energy and maintenance costs, while making the community a more pleasant place to live and work; and

WHEREAS, in order to promote the health, safety and welfare of the general public, the Mayor and the City Council of the City of Hailey desire to ensure that our community forest is maintained and improved in a manner that ensures it is protected for future generations;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAILEY, IDAHO:

**Section 1.** Section 12.20.030.1 of the Hailey Municipal Code is amended, by the addition of the underlined language and the deletion of the stricken language, as follows:

### Chapter 12.20

#### HAILEY TREE ORDINANCE

##### 12.20.030 Public Trees.

12.20.030.01 No person, firm or legal entity shall plant, prune, or remove any Public Tree without first obtaining an encroachment permit from the City of Hailey. All such permit applications shall be reviewed following policies recommended by the Hailey Tree Committee. The city may grant a permit or conditionally grant a permit only when such is consistent with provisions of this Chapter and/or other applicable laws or standards. There shall be no fee for an encroachment permit obtained for removal of a Public Tree deemed by a certified arborist to be dead, dying or presenting a condition requiring risk mitigation. Conditionally granted encroachment permits may include provisions for the applicant to provide to the City of Hailey the replacement value of the Public Tree for the use of providing new Public Tree(s) in another location at the discretion of the City.

**Section 2.** If any section, paragraph, sentence or provision hereof or the application thereof to any particular circumstances shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply:

**Section 3.** All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED AND ADOPTED BY THE HAILEY CITY COUNCIL AND APPROVED BY THE MAYOR THIS 13<sup>TH</sup> DAY OF DECEMBER, 2010.**

Richard L. Davis, Mayor, City of Hailey

Attest:

Mary Cone, City Clerk



...the ... of ...

...the ... of ...