

Minutes of Keep Richwood Beautiful Commission

Regular Meeting of Tuesday, May 7, 2019

BE IT KNOWN THAT, a Regular Meeting of the Keep Richwood Beautiful Commission of City of Richwood was held Tuesday, May 7, 2019, beginning at 6:15 PM in the Richwood City Hall, 1800 N. Brazosport Blvd. Richwood, Texas.

CALL TO ORDER

The meeting was called to order at 6:15 p.m.

INVOCATION

Janet Jackson-Ellis led the invocation.

ROLL CALL OF MEMBERS

Janet Jackson-Ellis - Chair

Brittany Figaro - Vice Chair – Arrived at 6:20 p.m.

Garry Ellis

Audrey Johnson

Blix Messick

Jeanette Messick

Kimberly Mayer

Denise Green, KRB Director

Others present: Giani Cantu, City Secretary; Clif Custer, Public Works Director

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES OF PREVIOUS MEETING

April 2, 2019

On motion by Kimberly Mayer second by Audrey Johnson with all present members voting “aye” the minutes of April 2, 2019 were approved as presented.

Brittany Figaro arrived at 6:20 p.m.

DISCUSSION AND ACTION ITEMS

Discussion and possible action on attending the Keep Texas Beautiful Conference in Dallas on June 18-20, 2019

Discussion was held on the attendance of the event and expected costs.

On motion by Kimberly Mayer second by Brittany Figaro with all present members voting “aye” the recommendation for a Fiscal Year 2018-2019 budget amendment in the amount of \$3,000 to fund training and travel.

Discussion and possible action on the purchase and installation of an electronic message/display sign for the City

Ms. Cantu reported the sign as proposed is expected to cost an estimated \$6,100.00, with self installation. Other costs that need to be considered would be the need for lift or other equipment needed to assist with the install. Concerns remain on the desired final look and curb appeal. Staff's recommendation would be to somehow match the look of the steel poles to existing columns at City Hall and add landscaping around the base of the sign. Also, after review of budget with City Manager, staff would recommend that this item be presented in your Fiscal Year 2019-2020 Budget as a Capital Expense with an increased amount to cover any incidentals and inflation in pricing between now and next year's budget.

No action taken.

Discussion and possible action on picnic tables for parks

Ms. Cantu reported the committee has been discussing picnic tables for one of the parks and has already approved a budget of \$200 for supplies needed to build picnic tables. However, the group that was going to build the tables is no longer available. The committee now needs to decide what steps to take going forward.

Things to consider:

Would you like to consider other material type picnic tables?

Would the cost long term be more beneficial to invest in other tables?

What look would you like your parks to have? Modern? Functional?

Do we want to address this in the Parks Improvement Plan?

Discussion was held on upkeep and replacement of picnic tables.

Blix Messick reported the discussion originated with Larry Johnson park. He needs to get with Public Works and have them get rid of existing ones and move one from Richwood Municipal Park.

Audrey Johnson advised that the smaller pavilion at Richwood Municipal Park also has a few tables that can be moved.

Discussion was held on just moving existing tables.

No other action was taken.

Discussion and possible action on scheduling committee workdays each month

Ms. Cantu reported Denise proposed the idea of scheduling committee workdays for the completion of small projects. The only issue I see, is if a quorum of members plan on attending said work days, then we must post an agenda 72 hours prior with the location you will be working at. The agenda would simply state that the committee will meet for a workday at said

location. Also, the committee would need to be mindful about discussing any other city related projects while at said workdays.

Discussion was held on the possibility of scheduling set committee workdays.

The committee decided it would be better to consider each month as needed.

This will be a recurring item on the agenda each month.

No action was taken.

Update from Park Ordinance subcommittee

Kimberly Mayer presented the recommendations and current ordinance requirements. She reported a developer will develop a park site for use of subdivision of size of ½ acre for 100 homes in the area. Current ordinance results in tiny pocket parks with no real ability to develop a usable park. Some changes they would like to see is larger lots, tree preservation and park equipment. Adapt City of Rosenberg Park Ordinance to include: 6.25 acres per 1,000 residents; Paved frontage with curbs and gutters; Sidewalk or trail inside the park; Water, wastewater, and electrical services; Lighting; Restrooms; and Playscape, picnic table, grill, benches, drinking fountain.

Blix Messick reported the proposed requirements will be aesthetically pleasing and will prevent pocket parks and there is proof it has worked in other towns.

Ms. Cantu reported that the committee will need to take a vote on recommendations to present to City Council.

Audrey Johnson asked if it would apply to subdivisions only or would it apply to apartments.

Clif Custer reported that typically apartments are private property. This would be for public park use.

Ms. Mayer stated they also want to see the tree preservation guidelines to include: no clear cutting; all reasonable efforts made to preserve protected trees; tree removal permits required; and if removed, replacement trees are required

Clif Custer reported that typically in a development you see the trees being knocked down because of the need for raising elevation. Tree roots will only take about 10 inches in added elevation in order for the roots to survive. Sometimes it is needed just because of the elevation required. He would suggest that there is caveat that allows removal during certain conditions or allows replacement.

Ms. Mayer reported there is a condition that if removed they can replant the same total girth in trees.

Mr. Messick reported in the parks recommendations there is also the option to make a monetary donation if the developer chooses not to develop the park themselves.

On motion by Kimberly Mayer second by Brittany Figaro with all present members voting “aye” the following recommendations were approved to be presented to City Council:

ARTICLE IV. - PARK LAND, PUBLIC SITES AND OPEN SPACES

Sec. 4-116. - Areas for public use.

The subdivider shall give consideration to suitable sites for parks, playgrounds, schools, and other areas for public use so as to conform to with the recommendations of the city council and comprehensive master plan. Any provisions for schools, parks, and other public uses, shall be indicated on the preliminary plat.

Sec. 4-117. - Park land dedication.

A. Purpose of land dedication requirements. This section is enacted in accordance with the home rule powers of the city, granted under the Texas Constitution, and the Statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code, Chapter 212, as amended. It is hereby declared by the city council that open space and recreational areas in the form of parks are necessary for the health, safety, and welfare of the public. It is further; declared by the city council that the only procedure to provide for such open space and recreational areas is by integrating such a requirement into the procedure for the planning and development of property or subdivisions in the city limits or extraterritorial jurisdiction of the city. All single-family and multiple-family residential subdivisions, therefore, shall be required to comply with this section.

The primary purpose of the parkland requirements is to ensure that the need for parkland that arises from new development is satisfied by the development, so that those who generate the need for park areas and recreation facilities contribute their proportionate share. Accordingly, when new development occurs, a reasonable contribution is to be made for open space for those who live in the new development so that they may engage in active and passive recreational activities within or near the new development. In some instances, the need for parks resulting from new development may be addressed most effectively through the development and acquisition of community or regional parks, or the improvement or expansion of an existing park, serving several neighborhoods.

It shall be required that a developer of any residential subdivision set aside and convey to the public sufficient and suitable lands for the purpose of parkland, or contribute cash in lieu of land conveyance, or a combination thereof, as determined by the planning commission.

The requirements for the conveyance of parkland established by this section are based in part on the goals and recommendations, needs and standards set forth in the parks and recreation master plan, as amended from time to time, and adopted by the city council. The master plan describes the needs prioritization and implementation plan, standards for parks and recreation units, as well as goals and objectives.

B. Application. This section applies to all property within the city limits and extraterritorial jurisdiction of the city. This section also applies to subdivision applications submitted after the

effective date of this section, for which plat approval is sought under Articles I and II of this Code, as may be amended from time to time.

C. Exemptions. This section shall not apply and have no effect on the following:

- 1. Any subdivision that a final plat application has been filed prior to the passage of this section.*
- 2. A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated, pursuant to Texas Local Government Code, Section 212.004, Plat Required, Subchapter A, Regulation of Subdivisions.*
- 3. Alterations or expansion of an existing residential unit or building of multiple units where no additional residential units are created and where the use is not changed.*
- 4. The construction of accessory buildings or structures.*
- 5. The installation of a replacement HUD-Code manufactured home.*
- 6. The replacement of a destroyed or partially destroyed residential unit or building of multiple units with a new building of the same size and use.*

Any claim of exemption shall be made no later than the time of application for preliminary plat approval. Any claim not so made shall be deemed waived.

D. Park zones. Park zones established by the city council, after recommendation from the parks board, and shown on the parks and recreation system plan, which is included in the adopted Rosenberg Parks and Recreation Master Plan, shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary costs of neighborhood and community parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.

E. Therefore, the following requirements are established to effect the purposes stated above and shall apply to any land to be used for residential purposes.

F. Parkland dedication, fee in-lieu, and public or private development. Dedication of land suitable for parkland and recreation purposes or a contribution of cash in lieu of parkland shall be required for a subdivider who proposes to plat land under the city's subdivision regulations, as may be amended from time to time.

Subsequent change. If the actual number of completed dwelling units exceeds the figure upon which the original dedication or cash contribution was completed, such additional dedication or cash contribution shall be required, and shall be made by payment of cash in lieu of land, or by conveyance of an equivalent land area. All new lots within a replat or addition to an existing subdivision shall comply with the parkland dedication or cash contribution requirements as outlined in this subsection, as specified below.

Methods of dedication, contribution, or development:

1. Parkland dedication. Whenever a final plat is filed of record with the County Clerk of Fort Bend County for residential development in accordance with the platting regulations of the City, such plat shall contain a clear fee simple dedication of an area of land to the City for park purposes.

i. On-site conveyance of parkland. The amount of land required to be dedicated for parkland will be calculated at a rate of six and one-quarter acres of parkland per 1,000 residents, or an equivalent ratio thereof. The following formula shall be used to determine the amount of parkland to be dedicated:

$$\frac{6.25 \times (\text{No Units}) \times (\text{Persons/Unit})}{1,000} = \text{Acres to be dedicated}$$

The number of persons per unit is based on an average household size of 3.00 persons per household.¹ This ratio shall be reviewed and adjusted from time to time, as necessary.

¹ Source: U.S. Census Bureau.

(a) Land plan. Parkland to be conveyed or privately owned shall be designated on the land plan with its general location and acreage denoted.

(b) Preliminary and final plats. Parkland to be conveyed shall be designated as a reserve on both the preliminary and final plats as "Parkland Dedicated to the City of Rosenberg" with the perimeter dimensions and acreage denoted. A note referencing the dedication shall be placed on the final plat. Parkland to be privately owned shall be designated as a private park reserve and so noted on both the preliminary and final plat.

(c) Deed required. Prior to recording the final plat, the subdivider shall deliver to the city a deed, in a form approved by the city attorney, conveying parkland shown on the final plat as approved by the planning commission. The parkland deeded to the city shall not be subject to reservations of record, encumbrances or easements that will interfere with the use of the land for park purposes. The deed delivered to the city shall be recorded in conjunction with the recordation of the final plat.

ii. Off-site conveyance of parkland. Upon affirmative recommendation from the parks board and planning commission and approval of the city council, the city may accept parkland that is not part of a subdivision in order to meet the parkland requirement, subject to the following:

(a) The site proposed to meet the parkland requirement is within the same park zone as that ordinarily required within the subdivision; and

(b) The site meets the park development standards of this section, as described in (iii) below; and,

(c) The site exceeds that required by the subdivision or addition, as specified in (1)(i) above by 20 percent, and

(d) A deed shall be required in accordance with the provisions of (1)(i)(c) above.

(e) No park less than ten acres in size shall be conveyed to the city.

iii. Park improvements required. Parkland conveyed to the city shall be improved as required by this paragraph. The subdivider shall indicate the proposed parkland improvement(s), which shall be constructed in accordance with the site plan, as required in (i) below. Such improvements shall be completed by the subdivider within the time period specified for construction of public improvements in (i) below. An improved park shall, at a minimum, include the following:

(a) Paved frontage with curbs and gutters for all required street frontages abutting the outside perimeter of the parkland;

(b) A sidewalk or trail installed in the park, and/or sidewalk installed along all street frontage of the park with the location approved according to the approved site plan;

(c) Water, wastewater, electrical services, and all other utilities provided to the remainder of the subdivision shall be provided to the park as part of standard subdivision improvements;

(d) Lighting along those portions of the required street frontage(s) as well as ample overhead and/or bollard lighting within and throughout the park to provide for a safe and secure environment; and,

(e) The grading of site and installation of grass with irrigation.

(f) Permanently constructed restroom facilities built to city standards and the requirements of the American's with Disabilities Act (ADA). Restroom facilities are required for parks that are three acres or larger in size. Developments for which the cumulative required park acreage is less than three acres in size shall pay a fee equal to 60 percent of the development fee required under subsection (2)(ii) below;

(g) One playscape structure and edged fall surface area with a minimum capacity of 15 children, per industry standards;

(h) Covered picnic table, grill, and trash container at a rate of one per acre, or portion thereof;

(i) Drinking fountain at a rate of 0.25 per acre, but no less than one per park; and,

(j) Park benches at a rate of two per acre, but no less than two per park.

2. Cash in lieu of parkland. The city requires a dedication of land to satisfy at least a portion of the requirements of this section. The amount of parkland that must be dedicated shall equal at least 50 percent of the parkland dedication requirements, provided that the area of such amount equals at least 5,000 square feet. The city may, at its option, require a parkland fee to satisfy the remaining amount of parkland conveyance required, under the following circumstances:

- i. When less than five acres is required to be conveyed;*
- ii. Where the proposed parkland does not meet the standards set forth in (G) below;*
- iii. When a replat or amending plat within the city limits is submitted with increased density; or,*
- iv. The city determines that sufficient park area is already in the public domain in the zone of the proposed development, or the potential for that area would be better served by expanding or improving an existing park or constructing a larger community or regional park suitable for several neighborhoods.*

In-lieu fee amount. Where the payment of a fee-in-lieu of parkland dedication is required or acceptable to the city council as provided for in this section, such fee shall be in an amount of \$950.00 per residential dwelling unit.

Development fee. In addition to the fee in-lieu of land dedication, there shall also be a fee in the amount of \$750.00 per residential dwelling unit, which is equivalent to the amount of required improvements as specified in (F)(1)(iii) above.

Timing of payment. Such payment in lieu of land shall be made at or prior to the time of filing the final plat for record in the county deed records at the courthouse.

Use of cash contribution. Cash payments may be used only for acquisition or improvement of a neighborhood park located within the same park zone as the development. However, it is hereby provided that all fees may be applied to any type of park site if all requisite criteria for the other types of park facilities have been met, as determined by the city. Fees paid in lieu of land for neighborhood parks may be utilized for a community or regional park if such use satisfies the purposes of land dedication as provided for herein, as determined by the city.

Special fund; right to refund:

- i. There is hereby established a special fund for the deposit of all sums paid in lieu of parkland dedication under this section, which fund shall be known as the "Parkland Dedication Fund." Funds shall only be released from the parkland dedication fund upon city council approval of a plan to utilize the funds to build or enhance a park within the park zone from which the funds originated.*
- ii. The city shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid in lieu of land must be expended by the city within ten years after the filing of the final plat, or the filing of the final plat of each phase or section of the contributing subdivision, if a phased development. Such funds shall be spent on a first in, first out basis for each area. If not so expended, the owner(s) of the property on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owner(s) of such property must request such refund within one year of entitlement, in writing, or such right shall be barred.*

3. Private parkland credit. Where park areas and recreational facilities are to be provided in a proposed subdivision, and where such areas and facilities are to be privately owned and maintained by the future residents of the subdivision, these areas and facilities may satisfy the requirement of parkland dedication if the following standards are met:

i. The private ownership and maintenance of such areas and facilities are adequately provided for by recorded written agreement, conveyance, or restrictions.

ii. The use of such areas and facilities are restricted for park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the city council.

iii. Such areas and facilities for which credit is given shall include improvements for the basic needs of a local park. These improvements must be equivalent to that required in (F)(1)(iii) above to ensure that new neighborhood parks are provided with minimum standard amenities. These improvements shall be required before the final acceptance of the subdivision by the city council after recommendation from the planning commission.

iv. All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission, Publication 325, as currently amended.

v. Dedicated parkland must be established with grass by the developer. This grass and an irrigation system must be installed and approved by the city building official or designee. The homeowners' association is responsible for the irrigation and maintenance of the property.

Required documentation. In order to receive the private parkland credit, the subdivider shall provide documents to the city at the time of final plat filing sufficient to establish that the requirements of (iii) above have been satisfactorily met. In the event that the subdivider proposes to construct the improvements at a later date, as in a phased development, the city shall require that the subdivider obtain a surety bond, performance bond, or other form of guarantee that the recreational amenities will be installed concurrent with the build-out of the subdivision, and in no case greater than two years. The city planner and parks director shall evaluate and approve the documentation submitted prior to any credit being given. In cases where the equivalency of the improvements is disputed, the required level of improvements shall be as finally determined by the city council.

Partial fee required. Subdividers who propose to provide private "resident only" parkland shall pay to the city an amount equal to ten percent the amount of the mandatory dedication determined in accordance with (F)(2) above for deposit in the city's parkland dedication fund for purposes of defraying the financial burden private subdivisions impose on public parks elsewhere in Rosenberg. The value of the dedication provided under this section shall be calculated as specified in (F)(2) above.

Dual park and easement, stormwater drainage facility, or nature reserve. Land that is encumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for private neighborhood parkland in accordance with the following calculation. Twenty-five percent of encumbered private parkland will qualify for

private neighborhood parks (0.25:1 ratio), up to 50 percent credit. Additional conditions apply to encumbered parkland, including:

i. Detention areas shall have (i) side slopes of a 5:1 ratio unless otherwise approved by the city, (ii) gravity flow or a pumping system designed to remove all algae, (iii) a bottom with a minimum area of 50 feet by 100 feet in dimension unless otherwise approved by the city, and (iv) field areas with a level, domed design suitable for field sports. Plans with proposed amenities must be approved by the city council, after recommendation from the planning commission. Plans with proposed amenities must be submitted with the preliminary plat in order to receive credit for detention areas.

ii. Drainage ditches and lake borders shall have (i) side slopes of a 5:1 ratio unless otherwise approved by the city council, (ii) hike/bike all-weather paths, landscaping and sodding installed according to the construction standards of the city, (iii) an average minimum width of 30 feet and a minimum width of 20 feet beyond top of bank, and (iv) drainage ditches and lake borders with meandering, natural contour appearances.

iii. Ten percent of lakes and nature reserves or land, which is generally undeveloped and unsuitable for organized recreational activities without substantial development effort, but which provides desirable aesthetic qualities, such as wetlands and other wooded areas, will qualify for private neighborhood parkland (0.10:1 ratio) up to 50 percent credit. Dry bottom detention ponds do not meet the definition of a lake or nature reserve.

4. City purchase of parkland. The city may from time to time decide to purchase land in or near the area of actual or potential development for a community park to serve such actual or potential development. If the city purchases parkland in a park zone, sufficient in size to entirely meet the needs of that zone, subsequent parkland dedications for that park zone shall be in cash. Such cash contribution shall be in the amount as specified in (F)(2) above, which shall go toward reimbursement of the city for its costs to acquire and develop the land as a park.

G. Park development standards. Parkland conveyed to the city as provided in this section shall meet each of the standards set forth below:

1. The parkland shall have frontage on a street equal to or greater than the square root of the total square footage of park area to be conveyed.

2. Unless otherwise approved by the city planner and parks director, parkland that is adjacent to a designated trail shall be designed and located within a subdivision or addition to allow for an extension or connection of a public park or public recreation facility within an abutting subdivision.

3. A minimum of 50 percent of the dedicated parkland within a subdivision or addition shall be outside of the 100-year floodplain and shall have a size configuration and topography to be developable for active park purposes.

4. *Parkland shall not be encumbered with existing or proposed public utility easements or drainage channels that would unduly restrict the development of the site for recreational purposes.*

5. *A proposed subdivision adjacent to a park or open space area shall not be designed to restrict reasonable access or visibility into the park. No lots shall have their rear yard abutting a public park unless public access is provided each 400 feet, or portion thereof.*

6. *Street connections between residential neighborhoods shall be provided, wherever practicable, to provide reasonable access to parks and open space areas to all residents within reasonable proximity to such parks and open space areas. Proposed access and public availability of parkland, both physical and visual, shall be recommended by the planning commission and approved by the city council.*

7. *In any instance where acreage is dedicated to the city or a homeowners' association as a park or greenway under this section, the dedicating party shall also dedicate a cleared access of at least 20 feet in width from a publicly dedicated street to the park or greenway. The city may waive this requirement if it determined that public street access is sufficient to meet the intent of this requirement.*

8. *Areas within a school site may be utilized to partially meet the parkland dedication requirements upon approval of the planning commission and approval of the city council, as well as the school district board. Areas in a school site may receive a credit toward the required land dedication subject to approval by the planning commission and final approval by the city council. Such credit shall be on a case-by-case basis and subject to standards as may be determined and considered necessary and appropriate by the city.*

9. *The location of dedicated parkland may be required at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Otherwise, a centralized location is preferred.*

10. *Any residential street built adjacent to a park shall be constructed to collector width to ensure access and prevent traffic congestion.*

11. *Sites should have and retain existing trees or other scenic elements.*

12. *Where a non-residential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping. Access points to the park from the non-residential use may be allowed by the planning commission if a public benefit is established.*

H. Parks and recreation master plan considerations. The parks and recreation master plan is intended to provide the city with a guide upon which to base future decisions. Because of the need to consider specific characteristics in the site selection process, the park locations indicated in the plan are general. The actual locations, sizes, and number of parks will be determined when development occurs. The plan will also be used to locate desirable park sites before development occurs, and those sites may be purchased by the city or received as donations.

Park zones are established in the parks and recreation system plan of the adopted Rosenberg Parks and Recreation Master Plan. These zones are configured to indicate the service areas for community parks. Neighborhood parks shall have a minimum separation of one-half mile from the boundaries of other neighborhood or community parks and shall, to the extent practicable, be distributed evenly across the designated park zones. The appropriate location and spacing of neighborhood parks shall be determined by the planning commission through the subdivision development process. Zone boundaries are established that follow, to the extent practicable, key topographic features such as major thoroughfares, streams, and city limit and extraterritorial jurisdiction (ETJ) lines.

1. Site plan submission and approval. A site plan must be submitted to the city planner and parks director for review, which shall be approved by the planning commission prior to final plat submittal or upon application of a building permit, as applicable. Such site plan shall include the following:

1. North arrow and scale.

2. Vicinity map indicating the general location of the site and its relationship with adjacent and nearby streets, watercourses and similar features in all directions from the site to a distance of 200 feet.

3. Existing and finished grades or contours at one foot intervals.

4. Identification of any areas on the site or within 200 feet that is within the 100-year floodplain.

5. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, fields and courts, playground areas, and other elements of the plan.

6. Proposed location of buildings and other structures, fields and courts, playground areas, parking areas, drives, screening, drainage patterns, public streets and any existing easements.

7. Location, massing and pattern of existing vegetation and the general extent and character of proposed landscaping and tree preservation.

8. Existing streams, drainage channels, and other bodies of water.

9. Focal points and site amenities.

10. Existing structures on the site and within 100 feet of the site.

11. Street and traffic patterns affecting the site including the location of traffic control devices.

12. Pedestrian and vehicular circulation patterns and improvements.

13. Surrounding uses, activities and influences of the site and adjacent properties within 200 feet, including:

i. Any public streets.

ii. Any drives that exist or which are proposed to the degree that they appear on plans on file with the city.

iii. Any buildings that exist or are proposed to the degree that their location and size are shown on plans on file with the city. One- and two-family residences may be shown in approximate location and general size and shape.

iv. The location, size, cross-section and calculation of any drainage structures, such as culverts, paved or earthen ditches or storm sewers and inlets.

14. Typical building elevations depicting the style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan a separate sketch shall be prepared for each type.

15. The boundary lines of the area included in the site plan, including bearings, dimensions and reference to a point on a recorded plat.

16. Proposed utility connection layouts for water, sewer and electricity.

17. Name and address of the land owner, applicant, architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.

18. Date of preparation of the site plan.

19. Signature block for appropriate city officials.

Within 12 months from the date of site plan submission, the subdivider or landowner shall submit detailed plans and specifications for review and approval, which shall be in substantial compliance with the site plan. The construction of all improvements shall be complete within 12 months from the date of approval of the plans and specifications.

Completion and acceptance. Park development will be considered complete and a certificate of completion will be issued after the following requirements are met:

1. Improvements have been constructed in accordance with the approved plans.

2. All parkland upon which the improvements have been constructed have been dedicated as required by this section.

3. All manufacturer warranties have been provided for any equipment.

Upon issuance of a certificate of completion, subdivider or landowner warrants the improvements for a period of one year. The subdivider and/or landowner shall be liable for any costs required to complete park development if:

1. Subdivider fails to complete the improvements in accordance with the approved plans.
2. Subdivider fails to complete any warranty work.

J. Consideration and approval. Unless provided otherwise in this section, an action by the city shall be by the city council, after consideration of the recommendations of the planning commission and, as applicable, the parks board.

Review of dedication requirements. The city shall review the fees set forth in this section each year. The city shall take into account inflation as it affects land and park development costs as well as the city's targeted level of service for parkland per 1,000 population

(5) Tree preservation guidelines.

- a. No clear-cutting of land is allowed. Prior to construction or development on a site that contains one (1) or more protected trees, a landscaping plan or alternate landscaping plan must be approved by the city or in the case of E-1, R-1, R-2, and R-3 zoned property a plat must be approved by the city.*
- b. All reasonable efforts shall be made by subdividers and developers to preserve protected trees. When a tree is to be preserved there it shall be protected under the following conditions:*
 - 1. No materials intended for the use in construction or waste materials accumulated due to excavations or demolition shall be placed within the limits of the critical root zone.*
 - 2. No equipment shall be cleaned or other foreign materials deposited or allowed to flow overland within the critical root zone of a protected tree. This includes without limitation, paint, oil, solvents, asphalt, concrete, mortar or similar materials.*
 - 3. No signs, wires or other objects, other than those of a protective nature shall be attached to any protected tree. However, lighting of a decorative nature may be attached to a protected tree. The lighting shall be attached in a manner as not to damage the protected tree.*
 - 4. No vehicular and/or construction traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing paved surface. This restriction does not apply to access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.*
 - 5. Grade changes shall be allowed within the limits of the critical root zone of any protected tree only upon approval by the city.*
 - 6. No paving with asphalt, concrete or other impervious materials shall be placed within the critical root zone of a protected tree.*
 - i. Any existing paved surfaces within the critical root zone of a protected tree may be replaced or maintained.*
 - 7. In those situations where a protected tree is within fifty (50) feet of a construction area, a protective fence, minimum of four (4) feet in height, shall be erected and maintained outside of the critical root zone of each protected tree or tree group.*
 - 8. No protected tree shall be pruned in a manner which would reasonably lead to the death of the tree. This section is not intended to require a tree removal permit for*

reasonable pruning performed or contracted to be performed by the owner of the tree.

c. Tree removal permit. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree without first obtaining a tree removal permit, except as otherwise specified in this section. The application for a tree removal permit shall be submitted on a form provided by the city. Tree removal permits may only be issued when:

- 1. The proposed removal is consistent with an approved landscaping plan; or*
- 2. The proposed removal is limited to a diseased or damaged tree, which is beyond the point of recovery or in danger of falling and removal of a diseased trees as required to reduce the chance of spreading the disease to adjacent, healthy trees. In disputed cases, the city may require the owner to provide the written opinion of a qualified arborist to the city; or*
- 3. The proposed removal is on unplatted property that is zoned E-1, R-1, R-2, or R-3 and the cumulative removal of protected trees including the proposed removal and trees removed during the five-year period preceding the request is less than ten (10) percent of the protected trees on the property. The determination of the number of protected trees on the property may be estimated and does not require a survey of the property.*

d. Tree removal permit exceptions. No tree removal permit is required when:

- 1. During the period of an emergency, such as a hurricane, tornado, storm, flood or other natural disaster, the requirements for a tree removal permit are waived as deemed necessary by the emergency management coordinator or other designee of the city manager.*
- 2. In the pursuit of maintenance and installation of its facilities, registered users of rights-of-way acting in accordance with the provisions of article II of [chapter] 95 of the Code of Ordinances shall not be required to obtain tree removal permits.*

e. Tree preservation credit. Landscaping plans that preserve protected trees shall be given credit toward the total number of trees required as shown below, unless an alternate landscaping plan is approved:

<i>Diameter of Existing Tree (inches)</i>	<i>Credit Against Tree Requirement</i>
<i>5—9</i>	<i>2.0 trees</i>
<i>9½—15</i>	<i>3.0 trees</i>
<i>15½—30</i>	<i>6.0 trees</i>
<i>30½ or greater</i>	<i>12.0 trees</i>

- 1. If protected trees, shown [on] an approved landscaping plan, are removed then replacement trees are required.*
- 2. Replacement trees shall be planted in accordance with the provisions of this chapter per the following rates:*

<i>For Each Protected Tree to be Removed</i>	<i>Required Size and Number of New Replacement Trees</i>
<i>6-inch DBH to 12-inch DBH</i>	<i>Minimum 3-inch DBH, equivalent to 100 percent of DBH removed</i>

<i>Greater than 12-inch DBH</i>	<i>Minimum 4-inch DBH, equivalent to 100 percent of DBH removed</i>
<i>Greater than 30-inch DBH</i>	<i>Minimum 6-inch DBH, equivalent to 100 percent of DBH removed</i>

- 3. Replacement trees shall be a minimum height of seven (7) feet, measured at ground level, at the time of planting.*
- 4. No more than thirty-five (35) percent of the number of replacement trees shall be of the same species when twelve (12) or more trees are required.*
- 5. Acceptable types of replacement trees are designated in the approved tree list, in the development manual.*
- 6. The replacement trees shall be located on the subject site whenever possible. However, if there is not a suitable location for the replacement trees on the subject site the city council or their designee may approve the planting of the replacement trees within a public right-of-way, public park land or any other publicly owned property.*
- 7. Subdividers are required to replace any replacement trees that die within two (2) years of the date they were planted.*

SET NEXT MEETING DATE

The next regularly scheduled meeting is June 4, 2019 at 6:15 p.m.

FUTURE AGENDA ITEMS

Discuss possibility of community garden
Ophelia Bench at Bobby Ford Park

REPORTS

Reports that require no action.
Spring Clean-up & Earth Day Fest
Easter Egg Hunt
Financial Reports as of 050319

ADJOURNMENT

On motion by Audrey Johnson second by Kimberly Mayer with all present members voting “aye” the meeting adjourned at 7:28 p.m.

These minutes were read and approved on the 4th day of June, 2019.

Chair

Secretary

