

# Memo

**To:** Trustee Maison  
**From:** Robert Kosin  
**cc:** Board of Trustees, Village President  
**Date:** July 20, 2016  
**Re:** Tree Preservation Ordinance – DRAFT REVIEW 8/9

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The Barrington Hills Plan Commission has been preparing a revision of the Tree Preservation Ordinance 4-6-1 and at this time is scheduling a public review of the DRAFT work to date as found in the attached.

The Plan Commission is having a Special Meeting for the public review on August 9, 2016 at 6:30PM in the Village. Comments or suggestions regarding the Draft made be made during the public comment portion of the meeting or may be submitted to the Village Clerk by Friday August 5, 2016 for distribution to the Commissioners.

7/20/2016

## Chapter 6

### TREE PRESERVATION

4-6-1: INTENT AND PURPOSE:

4-6-2: DEFINITIONS:

4-6-3: ADMINISTRATION:

4-6-4: GENERAL REQUIREMENTS:

4-6-5: CONSTRUCTION STANDARDS:

4-6-6: REPLACEMENT:

4-6-7: APPEALS:

4-6-8: TABLES:

4-6-1: INTENT AND PURPOSE:

~~The intent of this Chapter is to ensure the presence and continuation of Heritage Trees, a special natural resource is found throughout the Village of Barrington Hills by requiring sound forestry practices, preventing storm water runoff and topsoil erosion. It is also the intent of this Chapter to assist, promote and educate its residents as to the importance, protection and existence of Heritage Trees. Residents of the Village will then continue to enjoy all the benefits of living in the unique environment of Barrington Hills, because the Village strives to protect the health, safety and welfare of its residents from situations which may substantially alter the natural environment. This will be accomplished by regulating how Heritage Trees may be removed and replaced, whether as a result of building construction or as a result of only landscaping activity.~~

The intent of this Chapter is to ensure the presence, conservation and perpetuation of Heritage Trees within the Village, and to educate residents about their existence and the importance of protecting them. Heritage Trees are a unique natural resource found throughout the Village of Barrington Hills that have a positive impact on animal habitat.

air and soil quality, as well as watershed and invasive species management. By preventing situations that may substantially alter the natural environment, the Village aims to protect the health, safety and welfare of residents, while also ensuring that they may continue to enjoy all the benefits of living in the unique environment of Barrington Hills. This may be accomplished by regulating how Heritage Trees may be removed and replaced, as a result of building construction and/or landscape activity.

#### 4-6-2: DEFINITIONS:

For the purpose of the regulations contained in this Chapter, the definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular; the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter. Whenever a word or term defined herein appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof and any word appearing in parenthesis directly thereafter shall be construed in the same manner.

**BUILDING OFFICER:** The building and zoning enforcement officer as defined in section 1-6-9 of this code.

**CERTIFIED ARBORIST:** A person, who based on training and experience, diagnoses the condition of shade or ornamental trees, evergreens and shrubs and recommends or supervises the treatment of any such trees, or in any manner treats any such trees, by feeding or fertilizing, or by pruning, trimming, bracing, treating cavities or other methods, has passed the ISA Certified Arborist exam and maintains his or her certification in good standing with the International Society of Arboriculture (ISA).

7/20/2016

**CERTIFIED FORESTER:** A person who practices the art and science of forest stewardship and natural resource management, and who has met the requirements to be a Certified Forester and maintains his or her certification in good standing with the Society of American Foresters.

**CONDITION RATING:** The condition of a Heritage Tree based on a six (6) point scale set forth in table B of this Chapter with 1 being the best and 6 being the worst, for purposes of determining the health of a Heritage Tree and whether the tree is subject to regulations contained in this Chapter.

**DIAMETER BREAST HEIGHT (DBH):** The diameter of the trunk of the tree measured in inches at a point of four and one-half feet (4 1/2') above grade.

**GOOD CONDITION:** A tree having a condition rating of 1 or 2, ~~or 3~~ as set forth in table B of this Chapter. Only trees of those ratings in a Woodland will be considered Heritage Trees.

**GROWING SEASON:** The optimum planting time for the care and nurture of woody plant stock during any one calendar year is when there is less than about 5 percent chance for a frost until there is a about 95 percent chance for frost.

**HERITAGE TREES:** Trees of a size, genus and species indigenous to this region, as set forth in Table A of this Chapter, are determined to be of significant historical and ecological value to the Village of Barrington Hills to be protected trees. Such trees shall ~~be above the minimum~~ have a condition rating good condition standard as listed of 1 or 2 as set forth in Table B of this Chapter.

**MINIMUM ROOT ZONE:** The area beneath a tree having as its center point the center of the trunk of the tree and a radius equal to one foot (1') for every inch of DBH.

**SITE:** A lot, or contiguous lots, under the control of a common owner, for which a tree removal permit was sought and obtained.

7/20/2016

**SITE PLAN:** A general illustration of the proposed work, its location, the use of the building or structure, and all portions of the site, including but not limited to details of grading, and structural, mechanical, sanitary and electrical work.

**SURROUNDING AREA:** Shall not include any area which is not on the same site as that for which the tree removal permit was sought and obtained.

**TREE:** Any self-supporting, woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting definitely formed crown.

**TREE PRESERVATION PLAN (TPP):** A plan directly overlaid on the site plan indicating the location, species, condition rating and DBH of all Heritage Trees, and includes a maintenance plan for three (3) growing seasons for all Heritage Trees, consistent with the sound forestry practices, as found in Tables C and D of this Chapter.

**TREE REMOVAL PERMIT (TRP):** The permit required by this Chapter in order to remove any Heritage Tree within a protected Woodland.

**VILLAGE:** The Village of Barrington Hills, in the Counties of Cook, Kane, Lake and McHenry, in the State of Illinois.

**WOODLAND:** Eight (8) or more Heritage Trees on a site within a circular area having a radius not to exceed 117.8 feet and shall include all such trees within the Woodland regardless of the number of such trees. A site may encompass one or more ~~than one~~ Woodlands.

#### 4-6-3: ADMINISTRATION:

(A) Tree Removal Permit Required: A tree removal permit ("TRP") shall be required for the destruction or removal of any Heritage Tree in any Woodland. No person shall, directly or indirectly remove, damage or destroy a Woodland without having secured a TRP.

(B) Exemption:

1. This Chapter shall not apply to the removal of Woodlands pursuant to a forestry management plan or nursery stock plan that is approved and administered by a governmental agency with jurisdiction over such matters.
2. This Chapter shall not apply to the removal of Woodlands on property owned by a common owner, either singularly, collectively or institutionally, which exceeds one hundred (100) acres of contiguous land in the Village so long as the property is subject to a tree preservation plan acceptable to the Village. Such a plan, which shall have been prepared by or endorsed by a Certified Arborist or Certified Forester, may be accepted by the Village's Plan Commission and shall, at a minimum, include the forestry management practices found in Tables C and D of this Chapter to preserve and protect Heritage Trees.

(C) Application And Fee: A tree removal permit ("TRP") application on the prescribed form shall be submitted to the Village Building Officer with the permit fee established by the Village.

(D) Application Procedure:

1. Construction Permit: The applicant shall submit a tree preservation plan ("TPP") to the Village Building Officer with his application for a TRP in conjunction with construction when a building permit is required by the provisions of this Title.
  - a. The TPP shall consist of two (2) legible reproducible site plans, drawn to scale, of a tree survey of all Heritage Trees in the designated Woodland, overlaid directly upon the site plan, including the location, species, DBH, and condition as rated in accordance with the standards in Table B of this Chapter.

The survey shall distinguish among the Heritage Trees to be preserved, transplanted, or destroyed. Groups of trees which are less than three feet (3') apart may be designed by clumps, provided that all Heritage Trees and all other trees with a DBH of twelve inches (12") or greater shall be individually depicted on the TPP.

b. The Building Officer in consultation with the Village Arborist may permit the TPP to exclude areas of the site from the tree survey if he determines that the proposed construction or other activity will not impact those areas.

c. The TPP shall include a maintenance plan for all Heritage Trees, consistent with the forestry practices found in Tables C and D of this Chapter, to ensure the protection of the trees for a period of at least three (3) growing seasons from the planting of the tree(s).

2. Non-construction Permit: When no building permit is required, the applicant shall submit the following with his application for a TRP:

a. Site plan that depicts the area of the tree removal, the Heritage Trees to be removed, and all other Heritage Trees whose minimum root zone is within the tree removal area. All Heritage Trees shall be identified by location, species, DBH, and condition as rated in accordance with the standards in Table B of this Chapter.

b. Reasons for removing the Heritage Trees, including reports or studies, if any, indicating that the trees should be removed.

3. Application Review: Upon receipt of a completed application including the TPP and the required fee, the Building Officer shall review the application, which, if deemed necessary, may include a site inspection by the Village Arborist.

(E) Escrow:

(1) If tree replacement is required by this Chapter, then as a condition of the TRP, the applicant shall place into escrow with the Village an amount of money in cash equal to the tree replacement value, as determined by the Village Arborist. The escrowed funds shall be returned to the applicant in the following manner: 1/2 of the escrow shall be refunded upon tender to the Village of an executed contract to purchase the trees required by the TRP and the remaining 1/2 of the escrow shall be refunded upon verification that the new tree(s) are planted in conformance with the TRP. Failure to plant the tree(s) in compliance with the TRP shall result in forfeiture of the Escrow, which shall then be used by the Village to plant trees as required by the TRP. Access to the applicant's property shall be granted for such work to be

completed in accordance with the TRP. The Village Arborist shall maintain a current schedule of cost including planting expenses for replacement of trees which shall serve as the basis for computation of the required cash escrow.

2. If it is determined that practices which violate any portion of the Village Code have resulted in tree damage, then the Village may require an escrow payment be made to the Village, equal to the replacement value of the damaged tree(s) as determined by the Village Arborist. The cash escrow shall be held by the Village for the purpose of assuring that all remedial actions required by the Village to restore the health of the tree(s) are taken, and/or for the purpose of assuring the appropriate tree replacement should any damaged trees die or show noticeable signs of decline as determined by the Village Arborist.

#### 4-6-4 GENERAL REQUIREMENTS:

(A) The Building Officer shall grant a TRP only if:

1. All reasonable efforts have been undertaken in the architectural layout and design of the proposed construction or other activity to preserve Woodlands; or
2. The removal of the Heritage Trees is consistent with sound forestry practice found in Table C or will result in the enhancement of the Woodland; and
3. The transplanting of the Woodlands is not feasible.

(B) As a condition to granting a TRP, the applicant shall be required to replace the Heritage Trees that will be removed in accordance with Section 4-6-6 with those tree species identified in Table A of this Chapter. Replacement trees shall be acquired and planted in conformance with Tables C and D of this Chapter.

(C) A TRP shall expire and become null and void if work authorized by the TRP is not commenced within one growing season from the date of issuance of the TRP, or within

7/20/2016

any other time agreed to by the Village in writing, or if such work, when commenced, is suspended or abandoned at any time for a period of greater than ninety (90) days, without the Village's written agreement to any suspension. ~~Upon good cause shown, the TRP may be extended six (6) months by the Building Officer.~~

(D) Except as set forth herein no certificate of compliance as required by Section 5-1-3 of this Code shall be issued until any required replacement of Heritage Trees, as required by the TRP, has been completed and after three growing seasons, the final tree inspection approval has been given by the Building Officer in consultation with the Village Arborist.

*Exception: Upon good cause shown as to why the required replacement of Heritage Trees has not been completed, the Building Officer may issue a temporary certificate of compliance for a period of six (6) months ~~to allow occupancy of a home on the property while~~ until the TRP has been completed, and final tree inspection conducted. In addition to the loss of the cash escrow required ~~under this~~ by Section 4-6-3 (E) of this Chapter, the failure to complete the TRP within the six (6) month extension period shall result in a violation of this Chapter, and shall be subject to the general ~~penalties and procedures set forth in Chapter 4~~ penalty procedures provided in Section 1-4-1 of the Village Code.*

(E) In the event the completion of the required ~~Heritage Trees~~ TRP is prevented by seasonal weather conditions, or availability of plant stock, the Building Officer, in consultation with the Village Arborist, may extend the date of completion by six (6) months into the next growing season.

(F) The TRP shall be in a written form and shall be prominently posted on the site so as to provide notice to the owner, owner's agent, and to all persons working or seeking to work on the site. The TRP shall state the conditions under which forestry activities are occurring on the site and any other information that may assist in the identification of the TRP.

4-6-5: CONSTRUCTION STANDARDS:

(A) During construction, the TPP shall be followed to prevent the destruction or damaging of Heritage Trees including unless otherwise authorized by the TPP, a fence erected and maintained so that no excess soil, additional fill, equipment, liquids, or construction debris shall be placed within the minimum root zone of any Heritage Tree, unless the addition of excess soil or fill is required in order to comply with the Lake County Watershed Development Ordinance found in Section 4-2-10 of this Title.

(B) The area of the site included within a TPP shall not have other plantings or landscape additions planted that will serve to prevent or hinder in any way the planting of the required replacement Heritage Trees.

~~(B)~~ (C) Heritage Trees in a TPP that are damaged or as determined by the Building Officer, in consultation with the Village Arborist, shall be required to be replaced by Heritage Trees of equal DBH in the aggregate, in accordance with Section 4-6-6, with those tree species identified in Table A of this Chapter. Replacement trees shall be acquired and planted conformance with Tables C and D of this Chapter.

#### 4-6-6: REPLACEMENT:

(A) Replacement in Kind:

1. In the event that a person shall remove, or damage or destroy a Heritage Tree in a Woodland without having secured a TRP, in addition to the general penalty provided in Section 1-4-1 of the Village Code, he shall plant, within the growing season, a replacement tree or trees on the site within ninety (90) days of written notice from the Village. The failure to plant the replacement tree(s) shall constitute a violation of this Chapter, and each day that the replacement tree is not planted shall constitute a separate offense.

2. The replacement tree(s) required by this Section shall be a species listed in Table A of this Chapter and the replacement tree(s) shall equal the aggregate DBH of the damaged or ~~destroyed~~ removed Heritage Tree(s). Replacement trees shall be acquired and planted in conformance with Tables C and D of this Chapter.

3. Replacement trees required by this Section shall be maintained alive and healthy on the site for three growing seasons. Methods should be used as found in Table D of this Chapter to provide for protection of the replacement trees from deer. Any such replacement tree(s) which dies or becomes severely damaged before the end of the third growing season of planting shall be replaced by the applicant in conformance with Tables C and D of this Chapter at the next growing season, upon written notice from the Building Officer.

*(B) Contribution in-lieu of Replacement:*

*In order to fulfill some or all of the TRP's requirement for replacement of Heritage Trees, after providing a TRP for the planting of a Woodland on the site, a fee in lieu of the equal value of the remaining replacement tree(s) may be paid to a governmental or non-profit natural resources management entity to fund a program involving the restoration, establishment, enhancement, or preservation of Heritage Trees in the Village.*

DISCUSSION

Concept has been proposed to consider a TREE BANK being a repository of Heritage Trees available to property owners in the area of an TRP that is completed only to the extent of establishing a Woodland and paid by the fee from the remainder of the TRP.

4-6-7: APPEALS:

Any person aggrieved by a plan review, action taken, or order issued, other than a stop work order issued pursuant to subsection 4-1-7(C) of this title, may appeal to the Barrington Hills Plan Commission in accordance with the notice and appeal provisions

7/20/2016

of subsection 4-3-4(D) of this title, upon payment of a filing fee of one hundred dollars (\$100.00).

4-6-8: TABLES:

TABLE A HERITAGE TREES

<b>Species</b>		<b>Diameter at Breast Height (DBH)</b>
<i>Common Name</i>	<i>Scientific Name</i>	
Oak (all species)	Quercus spp.	10 inches or greater
Hickory (all species)	Carya spp.	8 inches or greater
Ironwood	Ostrya virginiana	6 inches or greater
Wild Black Cherry	Prunus serotina	8 inches or greater
Hackberry	Celtis occidentalis	8 inches or greater
Black Walnut	Juglans nigra	8 inches or greater
Basswood/Linden	Tilia americana	10 inches or greater
Sugar Maple	Acer saccharum	10 inches or greater

**FOR SPECIES VARIETY FOR SAVING AND PLANTING**

Additional upland species to consider

Butternut

Blue Beech

Catalpa

Pawpaw

Ohio Buckeye

Additional low land species to consider

American sycamore

Red Maple

River birch

TABLE B CONDITION RATING

<b><u>Rating</u></b>	<b><u>Description</u></b>	<b><u>General Criteria</u></b>
1	Excellent	The tree is typical of the species, has less than 10 percent deadwood in the crown that is attributable to normal causes, has no other observed problems, and requires no remedial action.
2	Good	The tree is typical of the species and/or has less than 20 percent deadwood in the crown, only 1 or 2 minor problems that are easily corrected with normal care.
3	Fair	The tree is typical of the species and/or has less than 30 percent deadwood in the crown, 1 or 2 minor problems that are not imminently lethal to the tree and no significant decay or structural problems, but the tree must have remedial care above normal care in order to minimize the impact of future stress and to ensure continued health.
4	Fair to poor	The tree is not typical of the species and/or has significant problems such as 30 to 50 percent deadwood in the crown, serious decay or structural defect, insects, disease or other problems that can be imminently lethal to the tree or create a hazardous tree if not corrected in a short period of time or if the tree is subjected to additional stress.
5	Poor	The tree is not typical of the species and/or has over 50 percent

deadwood in the crown, major decay or structural problems, is hazardous or is severely involved with insects, disease, or other problems that even if aggressively corrected would not result in the long term survival of the tree.

6	Dead	Less than 10 percent of the tree shows signs of life.
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### TABLE C STANDARDS

*This Table lists the standards and organizations that are referenced in various sections of this ordinance. The standards are listed herein by the promulgating agency of the standard, the standard title and the effective date. The section or sections of the Ordinance that references the standard shall be specified as found in Table C.*

American National Standards Institute (ANSI) [www.ansi.org](http://www.ansi.org)

ANSI ASC A300 (tree care)

ANSI Z133 (safety, arboricultural operations)

ANSI Z60.1 (nursery stock)

American Standard for Nursery Stock [www.americanhort.org](http://www.americanhort.org)

IDNR, Div. Forest Research, "Urban and Community Forestry Program Tree Planting Standards" 1999 Springfield, Illinois

Illinois Landscape Contractors Association [www.ilca.net](http://www.ilca.net)

International Society of Arboriculture [www.isa-arbor.com](http://www.isa-arbor.com)

NRCS, "Illinois Urban Manual Tree and Shrub Planting" August, 1994

7/20/2016

NRCS, "Tree Protection" April, 2000

Society of American Foresters [www.safnet.org](http://www.safnet.org)

University of Illinois Extension, Plant Clinic [web.extension.illinois.edu/plantclinic](http://web.extension.illinois.edu/plantclinic)

## TABLE D PICTURES AND ILLUSTRATIONS

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