

ORDINANCE NO. 2018-59

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF PARK CITY, UTAH, CHAPTERS 14-1-2 CREATION OF FORESTRY MANAGER, BOARD AND APPOINTMENTS; 14-1-3 DUTIES AND RESPONSIBILITIES OF THE FORESTRY MANAGER; 14-1-4 DUTIES AND RESPONSIBILITIES OF THE FORESTRY BOARD; 14-1-5 REGULATIONS FOR PLANTING TREES AND LANDSCAPING IN THE CITY'S RIGHT-OF-WAY; 14-1-11 PERMIT TO REMOVE TREES OR VEGETATION FROM CITY PROPERTY; 14-1-14 APPEALS FOR PARK CITY MUNICIPAL CORPORATION OF SUMMIT COUNTY, UTAH

WHEREAS, Park City has an interest in conserving a connected, healthy network of open space for continued access to and respect for the Natural Setting; and

WHEREAS, the City shall implement projects to enhance the context and character of the surrounding built and natural environment; and

WHEREAS, the proposed Municipal Code amendments reflect the General Plan's intent to encourage sustainable landscape and building practices; and emphasize the natural setting of Park City; and

WHEREAS, the Forestry Manager may recommend to City Council the adoption of numerous forestry and revegetation techniques to suit the specific environment of City owned or managed open space in consultation with the Environmental Sustainability Manager and Open Space and Trails Manager; and,

WHEREAS, the Forestry Manager may adopt different standards for wildland fire interface zoning in consultation with the Chief Building Official and City Fire Marshal; and,

WHEREAS, the Forestry Manager shall adopt a different standard for regenerative agriculture in consultation with the Sustainability Manager; and,

WHEREAS, the Forestry Manager, applicable City staff, and the appointed Forestry Advisory Board will work to produce and implement the proposed policy and future Urban Forestry Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Park City, Utah that:

SECTION 1. AMENDMENTS TO TITLE 14 – Municipal Code Chapter 14-1-2, 14-1-3, 14-1-4, 14-1-5, 14-1-11, 14-1-14. The recitals above are incorporated herein as findings of fact. The applicable Sections of Title 14 Chapter 1 of the Municipal Code of Park City are hereby amended as redlined below.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon adoption.

PASSED AND ADOPTED this 29th day of November, 2018

PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

ATTEST:


Michelle Kellogg, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

14-1-1 Purpose

The City prides itself on its many areas of landscape, both natural and enhanced, and recognizes the importance of trees within the community. Not only do trees add to the beauty of the community, but they stabilize surface drainage, soil erosions, and mitigate siltation of streams. A well-designed landscape planting can reduce air and sound pollution, and regulate solar radiation and wind control.

14-1-2 Creation Of Forestry Manager, Forestry Advisory Board And Appointments

The City Manager or his/her designee shall be the Park City Forestry Manager. The Park City Forestry Advisory Board shall consist of ~~three~~ six (6) members of ~~the Parks, Recreation and Beautification Advisory Board~~ Park City staff, including one staff member from the Planning, Sustainability, Trails and Open Space, and Parks departments, as well as the City Engineer. The Forestry Manager shall act as the Chair of the Forestry Advisory Board. ~~The Chairman of the Parks, Recreation and Beautification Advisory Board shall appoint members to the Park City Forestry Board.~~

~~Each member shall serve a minimum two (2) year term. Of the members first appointed, the Chairman shall designate one to serve for one year, and two for a term of two years. Thereafter, as terms expire, all appointments shall be for terms of two years. Members of the Forestry Board shall serve without compensation.~~

14-1-3 Duties And Responsibilities Of The Forestry Manager

The Forestry Manager shall have full power over all trees and shrubs located within the City's rights-of-way, parks and public places; over trees and shrubs located on private property that constitute a hazard or threat as described herein; and to building sites, both commercial or residential, regarding landscaping, vegetation disturbance limits and visual impacts. ~~The Forestry Manager may provide guidance on private landscapes, pursuant to Land Management Code 15-5-5 and the Forestry Plan.~~

~~The Forestry Manager, with the advising of the Forestry Advisory Board, shall promulgate and update as necessary the Plant List in section 14-1-15. The Plant List shall, upon adoption by ordinance of the City Council, be used by City staff as necessary when reviewing Building, Planning, and Engineering permit applications regarding projects located on public property and in the City's rights-of-way.~~

14-1-4 Duties And Responsibilities Of The Forestry Advisory Board

The Forestry Advisory Board shall assist the Forestry Manager in developing and operating a comprehensive forestry plan. It shall be the responsibility of the Board to study, investigate, counsel, formulate, develop and/or update, and administer a Community Forestry Plan, herein after referred to as "Forestry Plan" for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public places. Such plan will be presented, when appropriate, to the City Council and upon its acceptance and approval, by the Council, shall constitute the official comprehensive city tree plan for the City of Park City.

The Board, when requested by the Forestry Manager, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Board shall choose its own officers, make its own rules and regulations, and keep meeting minutes in accordance with ~~the Open and Public Meetings Act, Utah Code Annotated § 52-4-101, et seq., as amended~~. A majority of the members shall be a quorum for the transaction of business.

14-1-5 Regulations For Planting Trees And Landscaping In The City's Right-Of-Way

Tree planting on public ways shall be coordinated with required open or landscaping areas on private property so as to achieve the most effective use of these areas and to accomplish the purposes of aesthetics and conservation. All trees planted in the public rights-of-way and all tree planting spaces shall be approved by the Forestry Manager who shall supervise such locating and planting according to the Forestry Plan and in a manner meeting the following considerations:

1. **REPLACEMENT.** Trees that must be removed shall be replaced by a new planting except in circumstances which the Forestry Manager deems impractical.
2. **SPACING.** Unnatural regularity of spacing and arrangement shall be avoided, staggered or irregular locations being preferred, depending upon tree type.
3. ~~**SPECIES.** Species selected may vary; however, the preference of natives is urged. A list of preferred plants and trees shall be maintained by the Forestry Manager and specified in the Forestry Plan.~~
- 4.3. **DISTANCE FROM CURB AND SIDEWALK, STREET CORNERS, FIRE HYDRANTS, UTILITIES AND SNOW STORAGE.** The Forestry Manager shall give special consideration to locations and species of plantings from curb and sidewalk, street corners, fire hydrants, utilities and for snow removal. Determinations will be based on health and safety issues and/or the provisions set forth in the Forestry Plan.
4. **SPECIES LIST.** A list of plant materials and trees is hereby adopted and shown below. These plant materials and trees are approved for use in the City's rights-of-way and public spaces. Any deviation from this list must be approved by the Forestry Manager. Information for each plant regarding botanical name, mature size, light exposure, foliage color, flower color, flower season, fruit, and if the plant is native or Water Wise is available through contacting the Planning Department.

<u>Coniferous Trees</u>	<u>Deciduous Trees</u>
Austrian Pine	Amur Maple
Blue Spruce	Autumn Blaze Maple
Bosnian Red Cone Pine	Bigtooth Maple
Bristlecone Pine	Bolleana Poplar
Douglasfir	Burr Oak
Engelmann Spruce	Canada Red Chokecherry
Limber Pine	Columnar Swedish Aspen
Norway Spruce	Common Hackberry
Pinyon Pine	Common Pear Tree
Ponderosa Pine	Crabapple
Rocky Mountain Juniper	Downy Serviceberry
Scotch Pine	Emerald Queen Norway Maple
Single-needled Pine	Gambel Oak; Scrub Oak
Sub Alpine Fir	Japanese Tree Lilac
Utah Juniper	Juneberry
Vanderwolf Pine	Kentucky Coffeetree
Western White Pine	Lacebark Elm

<p>White Fir</p>	<p>Lindon Trees Manchurian Ash Marshall Seedless Ash May Day Tree Narrowleaf Cottonwood Patmore Green Ash Quaking Aspen Rocky Mountain Maple Saskatoon Serviceberry Sensation Boxelder Sycamore Maple Tatarian Maple Thornless Hawthorn Turkish Filbert Western Catalpa</p>
<p><u>Shrubs</u></p>	
<p>Adam's Needle Alpine Current Antelope Bitterbrush Apache Plume Ash Leaf False Spirea Austrian Copper Rose Beauty Bush Big Basin Sage Bigelow's Sage Black Chokeberry Black Sage Blue Mist Spirea Boulder Thimbleberry Bridal Wreath Spirea Bumald Spirea</p>	<p>Leatherleaf Viburnum Lewis' Mockorange Littleleaf Mockorange Meideland Rose Mentor Barberry, Red Leaf Barberry, Rose Glow Barberry Mountain Lover Mountain Mahogany Mountain Snowberry New Mexico Locust Ninebark Oakbrush Sumac, Skunkbrush Oregon Grape Peking Cotoneaster Purple Sand Cherry Pygmy Pea Shrub</p>

Butterfly Bush	Red Chokeberry
Chenault Coralberry	Redleaf Rose
Chokecherry	Rock Spray Spiraea
Cliff Jamesia	Rose Daphne
Cliff Rose	Rubber Rabbitbrush
Clove Currant	Rugosa Rose
Common Lilac (many cultivars)	Sand Sage
Common Snowberry	Saskatoon Serviceberry
Compact Oregon Grape	Sea Buckthorn
Cranberry Cotoneaster	Shrubby Cinquefoil
Crimson Pygmy Barberry	Siberian Pea Shrub
Curl-leaf Mountain Mahogany	Silver Buffaloberry
Dense Yew	Silver Sage
Diabolo Ninebark	Smoke Tree
Dwarf Korean Lilac	Smooth Sumac
Dwarf Mountain Mahogany	Spreading Cotoneaster
Dwarf Mugo Pine	Squaw Currant
Dwarf Smooth Sumac	Staghorn Sumac
Dwarf Winged Euonymous	Tallhedge Buckthorn
Elderberry	Thinleaf Alder
Fernbush	Utah Serviceberry
Flowering Almond	Wayfaring Tree
Forsythia	Western Sand Cherry
Fringed Sage	Winged Euonymous
Golden Currant	Winterfat
Greenleaf Manzanita	Wolfberry
Harison's Yellow Rose	Woods Rose
Harriman's Yucca	
Honeysuckle Species	
Indian Currant Coralberry	

Perennials

Barrenwort	Orange Coneflower
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Bearded Iris; German Iris	Oriental Poppy
Bergenia, Saxifrage	Ozark Coneflower
Black Eyed Susan	Pale Evening Primrose
Blanket Flower	Palmer Penstemon
Bloody Cranesbill	Partridge Feather
Blue Flax; Lewis' Flax	Pasque Flower
Blue Mint Bush	Pearly Everlasting
Bluebells-of-Scotland	Persian Rockcress
Bronze Evening Primrose	Pine-leaf Penstemon
Butterfly Milkweed	Pine-leafed Garden Pink
Candytuft	Plume-flowered Salvia
Catmint	Poppy Mallow; Prairie Winecup
Chocolate flower	Prairie Coneflower, Mexican Hat
Common Thrift	Prairie Purple Coneflower
Coral Bells	Prairie Skullcap
Creeping Germander	Pussytoes
Creeping Phlox	Pussytoes; Pink Pussytoes; Rosy
Dalmatian Bellflower	Red Hot Poker
Daylily	Rock Soapwort
Desert Four O'Clock	Rockrose
Desert Penstemon	Rocky Mountain Columbine
Dotted Gayfeather	Rocky Mountain Penstemon
Eaton's Beardtongue	Rose Campion
Endress Cranesbill	Russian Sage
English Lavender (many cultivars available including Munstead, Hidcote, Nana, and Jean Davis)	Sand Penstemon
False Indigo	Scarlet Bugler
Fernleaf Yarrow	Serbian Yarrow
French Lavender	Showy Goldeneye
Garden Pinks	Showy Milkweed
Garden Salvia	Showy Stonecrop
Gaura, Whirling Butterflies	Shrubby Sandwort

Gayfeather	Siberian Iris
Germander Sage	Siskiyou Pink Mexican Primrose
Globemallow	Sticky Geranium
Golden Columbine	Sulfur Flower
Greek Yarrow	Sweet Iris
Green Santolina	Texas Mist Flower
Hens And Chicks	Threadleaf Coreopsis
Hollyhocks	Tufted Beardtongue
Hummingbird Flower	Tufted Evening Primrose
Hummingbird Trumpet	Utah Lady finger; Utah Milkvetch
Keys Of Heaven, Jupiter's Beard, Red	Valerian
Kitchen Sage	Wall Germander
Lady's Mantle	Wasatch Beardtongue
Lavender Cotton	Western Columbine
Leadplant	Western Coneflower
Leather Leaf Powder Puff	Whipple's Penstemon
Licorice Hyssop	Wild Hyssop
Lilyleaf Ladybells	Wormwood
Mat Penstemon	Yarrow
Missouri Evening Primrose	Yellow Corydalis
Mount Atlas Daisy	Yellow Stork's bill
Mountain Gold Alyssum	
<u>Annuals</u>	
Ageratum; Flossflower	Garden Zinnia Geranium
Annual Chrysanthemums; Marguerites	Globe Amaranth
Annual Coreopsis	Gloriosa Daisy
Bachelor's Buttons	Icelandic Poppy
Bells-of-Ireland	Klondike Cosmos
Blue Marguerite	Larkspur; Annual Delphinium
Calendula; Pot Marigold	Lobelia
California Poppy	Love-in-a-mist

Canterbury Bells	Love-lies-bleeding
Carnation; China Pinks	Marigolds
China Aster	Nasturtium
Cleome; Spiderflower	Painted Tongue; Velvet flower
Coleus	Pansy; Viola
Cosmos	Salvia; Flowering Sage
Creeping Zinnia	Snapdragon
Dusty Miller	Statice
Flanders Poppy	Strawflower
Flowering Kale and Cabbage	Sunflower
Flowering Tobacco	Sweet Alyssum
Forget-me-not	Sweet Pea
Garden Petunia	Sweet William
Garden Verbena	

Turfgrasses and Ornamental Grasses

Alkali Sacaton	Maidenhair Grass
Arizona Fescue	Mountain Muhly
Blue Avena Grass; Blue Oat Grass	Muhly Grass
Blue Fescue	Muttongrass
Blue Grama	Needlegrass
Deergrass	Overdam Reedgrass
Feather Reed Grass	Pine Dropseed; Hairy Dropseed
Foerster Reedgrass	Prairie Junegrass
Fountain Grass	Sideoats Grama
Galleta Grass; Curly Grass; James' Grass	Spike Dropseed
Great Basin Rye	Spike Muhly
Indian Rice Grass	Switch Grass
Indiangrass	Tall Wheatgrass
Little Bluestem	

Groundcovers

Ajuga, Bugleweed	Lily-Of-The-Valley
Autumn Amber Sumac	Mount Atlas Daisy

Blue Woolly Speedwell	Mountain Gold Alyssum
Chenault Coralberry	Purple-leaf Winter Creeper
Clematis	Pussy Toes; Pink Pussy Toes
Common Juniper	Rockspray Cotoneaster
Creeping Juniper	Snow In Summer
Creeping Oregon Grape	Stonecrop
Creeping Thyme	Sweet Woodruff
Dead Nettle	Thyme-leaf Speedwell
Gray Creeping Germander	Trumpet Vine
Gro-low Sumac	Turkish Speedwell
Halls Honeysuckle	Virginia Creeper, Boston Ivy
Japanese Honeysuckle	Wild Strawberry
Kinnikinnick	Woolly Thyme
Lamb's Ear	

14-1-6 Regulations For Planting Trees And Maintenance Of Trees And Landscaping On Private Property

The City has adopted and implemented landscaping standards to address both aesthetics and conservation concerns for new development. These provisions are included in various chapters of this Code relating to but not limited to water connection/development fees for residential and commercial development, master planned development and subdivision applications, and construction projects subject to sensitive lands criteria.

14-1-7 Public Tree Care

The City shall have the right, as determined by its sole discretion, to plant, prune, maintain, and remove trees, plants and shrubs within rights-of-way, streets and public property as may be necessary to ensure public safety or to preserve or enhance public grounds.

14-1-8 Illegal To Cut Trees And/Or Tree Topping

It shall be unlawful for any person to remove trees situated on City property, including streets and roadways of the City, without obtaining permission from the Forestry Manager for that purpose.

It shall be unlawful as a normal practice for any person, firm, or City department to top any tree. Topping is the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Forestry Manager.

14-1-9 Pruning, Corner Clearance

Subject to the provisions of Section 14-1-10, every owner of any tree or shrub overhanging any street, sidewalks, or right-of-way within the City shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection, or obstruct and create a hazard on a sidewalk. Said owners shall remove all dead, diseased, or dangerous trees and shrubs, or broken or decayed limbs, which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, interferes with visibility of any traffic control device, sign or sight triangle at intersections, or constitutes a hazard on a sidewalk. Any costs incurred by the City will be collected from the adjacent property owner.

14-1-10 Removal Of Dead And/Or Hazardous Trees/Plantings On The City's Right-Of-Way; Property Owner Responsibility

The removal of any tree, living or dead is subject to the permit process, as outlined in Section 14-1-11. Dead trees and/or hazardous planting on the City's right-of-way will be removed at the adjacent property owner's expense. If the dead tree is determined by the City to be a hazard and the adjacent property owner refuses to cooperate with its removal, it shall be removed by the City and any costs incurred will be collected from the adjacent property owner. The City accepts responsibility for maintenance of planted areas on public property and the City's rights-of-way for City installed projects, which are regularly maintained by City staff.

14-1-11 Permit To Remove Trees Or Vegetation From City Property

Any person desiring to cut and remove trees or vegetation from City property, including the City's rights-of-way, shall first make written application to the Forestry Manager and the application shall contain the following information:

1. The exact number of trees to be removed and the location of each with reference to street designations.
2. A statement that the applicant will cut and remove the trees at his/her own cost and expense within thirty (30) days of the date of the permit.
3. A statement that the applicant will restore the City property to the satisfaction of the City and will replant such trees as the City may require and where the City may specify according to the Forestry Plan.
4. That the applicant will indemnify the City against any damage to the City property or to the adjacent property owners or to any injury to persons or property sustained in cutting and removing of the trees.

14-1-12 Fee/Waiver

No permit shall be issued for the cutting and removing of trees upon City property until a charge is assessed by the Forestry Manager covering inspection costs, although the fees may be waived upon a determination that it is in the public's best interest to do so.

14-1-13 Revocation

The permit issued under the provisions of this Chapter is conditioned upon the applicant's performing in full the conditions set out in the permit, and in the event that the City requires the replanting of trees as one of the requirements in the permit, the permittee shall do such work in good faith. In the event such conditions are not met, the permit shall be revoked and the Forestry Manager may assess against permittee such damages as the City shall have suffered through the permittee's failure of performance.

14-1-14 Appeals

Any person may appeal a decision of the Forestry Manager to the ~~Forestry Board~~ Planning Commission who may hear the matter and make a final decision.