



## Legislation Text

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**File #:** 20-201, **Version:** 1

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager  
Jeremy Knapp, Community Development Director

**DATE:** May 14, 2020

**DEPARTMENT:** Community Development

**AGENDA TITLE:**  
**Discussion of Native Plant Preservation Requirements (20 Minutes)**

**SUMMARY STATEMENT:**

In January of 2020 the Town Council discussed in a Work Study Session the Town's regulations regarding Native Plant Preservation. In 2006 the Town adopted Ordinance 577 introducing a new Town Code Section 5-8-4 Native Plant Preservation.

This code section outlines the requirements for preservation of Native Plants when constructing a new home or completing a remodel or addition more than \$500,000. This section is applicable to single-family residential development during the construction process. The protected plants include certain trees and cacti and require an inventory be submitted with the permit application. Failure to comply with the requirements include penalties up to a Class 1 Misdemeanor and fine up to \$2,500.

Although this discussion is focused on the flat land single-family development requirements, it is worth noting that separate regulations are in place on Hillside lots which further Native Plant Preservation by minimizing disturbance on the lot and requiring areas that are disturbed to be restored. Furthermore, Native Plant Preservation requirements can be stipulated on Special Use Permit properties during the Planning Commission and Town Council consideration.

During the previous Study Session discussion staff requested to move forward with researching the following:

1. Clarifying need for Native Plant Preservation Plan for Grading Plan;
2. Requiring a pre-inspection prior to commencement of grading/building activity;
3. Provide a list of approved Plant Preservation contractors; and,
4. Expand the list of protected plants that are found in Maricopa County.

Council further requested that research be done identifying what other municipalities with similar values as the Town do in regard to Native Plant Preservation. Staff researched Native Plant Preservation requirements in Carefree, Cave Creek, Sedona, and Scottsdale. A short summary of each is below:

### **Carefree -**

Native Plant Preservation ordinance is embedded in the Zoning Ordinance. The Town of Carefree regulates landscaping on all private property within the municipality. A landscape plan is required for all grading or building permits with the exception of interior projects only. Property owners are not permitted to disturb any landscaping outside of the development envelope (buildable area) of the lot unless to prune diseased or dead tree limbs or remove packrat nests. Non-native plant species are only permitted in the building envelope of the lot. The protected plant list includes all plants found on the State's list which are common in Maricopa County.

### **Cave Creek -**

The Native Plant Preservation ordinance is embedded in the Zoning Ordinance. The Town of Cave Creek regulates landscaping on private property within the municipality. A landscape plan is required for all grading or building permits with the exception of interior projects only. Property owners are not permitted to disturb any landscaping outside of the maximum lot disturbance area. Cave Creek also requires a financial assurance with building permits, so the town can revegetate disturbed areas if they are destroyed by the builder/contactor. The inspection process for Cave Creek also includes an initial field walk, a preliminary inspection, an inspection of the salvage plant nursery, and a final inspection.

### **Sedona -**

Does not have a Native Plant Preservation Ordinance but does regulate landscaping on private property within the municipal code. Encourage the protection of trees on residential property and incentivizes the protection of existing trees by counting one existing tree equivalent to four new trees for the purposes of meeting the required number of trees on a site. There are very specific requirements for fencing and tree protection methods.

### **Scottsdale -**

First adopted their Native Plant Preservation Ordinance in 1981 which is in the municipal code. Most of the regulations are focused on commercial development and large-scale subdivisions and the requirements for single-family custom homes on individual lots are similar to the Town's. Single-family projects are required to submit a native plant inventory and site plan at the time of building/grading permit application. The major difference is that Scottsdale requires a pre-inspection where the Town does not.

### **BUDGETARY IMPACT:**

No budgetary impact anticipated.

### **ATTACHMENT(S):**

A - Town Code Section 5-8-4

B - PowerPoint Presentation