

MEMORANDUM



TO: MEMBERS OF THE PLANNING COMMISSION
FROM: CHRISTIAN CARROLL, PLANNER
SUBJECT: 22535 EVERGREEN COURT WOODLAND PERMIT
DATE: APRIL 28, 2023

The applicant, Angela Havistiuc, seeks approval of a Woodland Use Permit, PBR23-0107, to remove eleven regulated woodland trees ranging in size from 8 to 17 inches diameter-at-breast-height (DBH) from a lot located at 22535 Evergreen Court. The site is located north of Nine Mile Road and west of Garfield Road in Section 30 of the City. The applicant is requesting the removal of eleven regulated woodland trees in order to construct a single-family residential structure.

The City's Woodland Consultant reviewed the request and prepared a review letter dated April 12, 2023. Based on the plans provided, the applicant is proposing to remove eleven regulated woodland trees within an area mapped as city-regulated woodland and impacts to four critical root zones of regulated woodland trees. Therefore, twenty four woodland replacement credits would be required. The Woodland Consultant's review letter, which is attached, provides a detailed count and explanation of the required replacements. The proposed removals have no impact on any previously approved site plan, nor does it have any impact on any previous agreements. It should also be noted that the proposed removals are not located within any recorded conservation or preservation easements that abut and encroach onto the property. Please refer to the Woodland Consultant's review letter for additional information.

Per the City of Novi's Woodland Ordinance, where a proposed activity (i.e., home construction) does not otherwise require site plan or plat approval, the granting or denying of the (woodland) use permit shall be the responsibility of the Planning Commission. The applicant shall obtain approval of the Plan from the Planning Commission prior to issuance of any permits. The Planning Commission is asked to hold the public hearing and either approve or deny the requested woodland removal permit.

Section 37-26 of the Woodland Protection Ordinance states the following:

(b) Where a final subdivision plat or a final site development plan which includes activities regulated by this chapter has been reviewed and approved by the city in conformance with the requirements of this chapter, such approval together with any additional terms and conditions attached thereto shall be considered to have completed the requirements for a permit under this chapter which shall then be issued by the city.

(c) Unless the requirements of this chapter can be satisfied by the setting aside without encroachment of sufficient woodland areas, the developer of a single-family residential subdivision plat or single-family residential site condominium shall, as a part of use permit approval under this article, designate building areas for all structures and impervious surfaces on each subdivision lot or site condominium unit. Once such building areas have been approved and made a part of the use permit, no additional woodland use permit shall be required for the

erection of structures within such a building area. **Activities on a subdivision lot or site condominium unit that extend beyond the confines of such a designated building or impervious area shall require an additional approval pursuant to this chapter, which shall only be approved when it is not otherwise feasible to utilize the lot or site condominium unit for single-family residential purposes.**

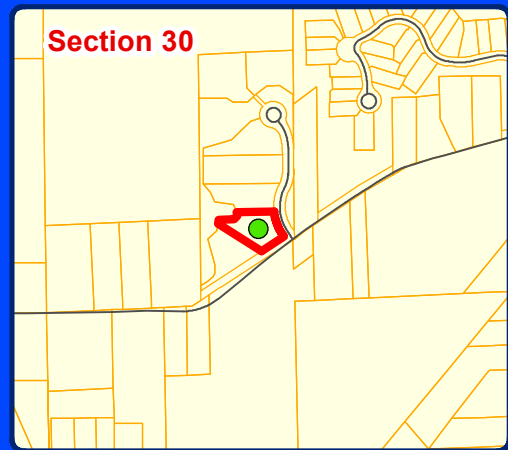
SUGGESTED MOTION:

To approve Woodland Use Permit, PBR23-0107, for the removal of eleven regulated woodland trees within an area mapped as City Regulated Woodland at 22535 Evergreen Court for the construction of a single-family residence. The approval is subject to on-site tree replacements to the extent possible and payment into the City's Tree Fund for any outstanding Woodland Replacement Credits, along with any other conditions as listed in the Woodland Consultant's review letter.


MAPS
Location
Zoning
Future Land Use
Natural Features

22535 EVERGREEN COURT WOODLAND PERMIT

LOCATION



LEGEND


 Subject Property



City of Novi
Dept. of Community Development
City Hall / Civic Center
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

Map Author: Christian Carroll
Date: 4/28/23
Project: 25535 EVERGREEN COURT WOODLAND PERMIT
Version #: 1

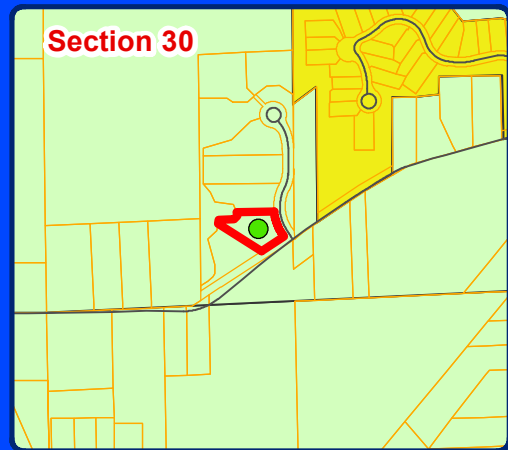
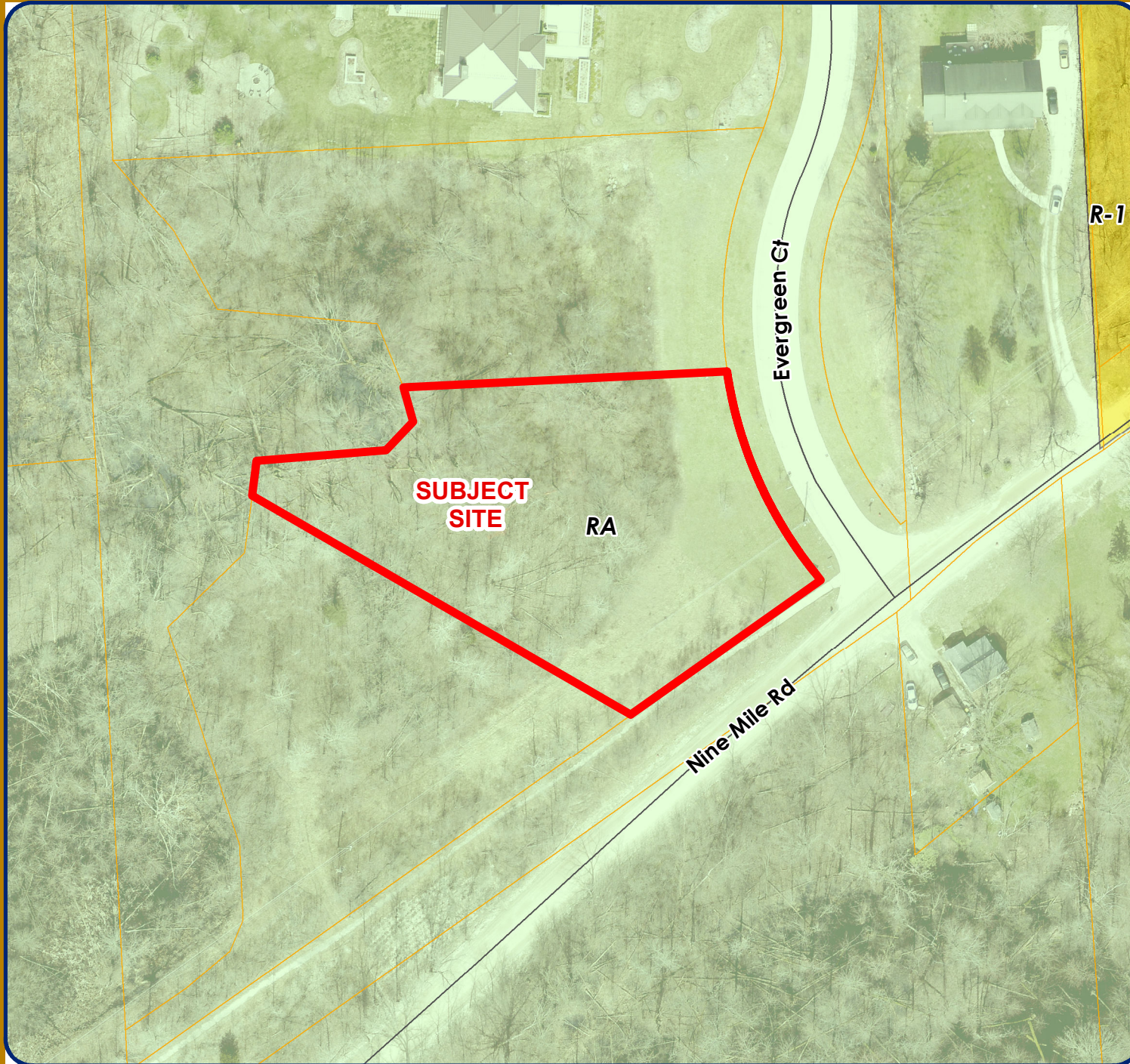
0 20 40 80 120 Feet
1 inch = 90 feet



MAP INTERPRETATION NOTICE


Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.

22535 EVERGREEN COURT WOODLAND PERMIT ZONING



LEGEND


- R-A: Residential Acreage
- R-1: One-Family Residential District
- Subject Property



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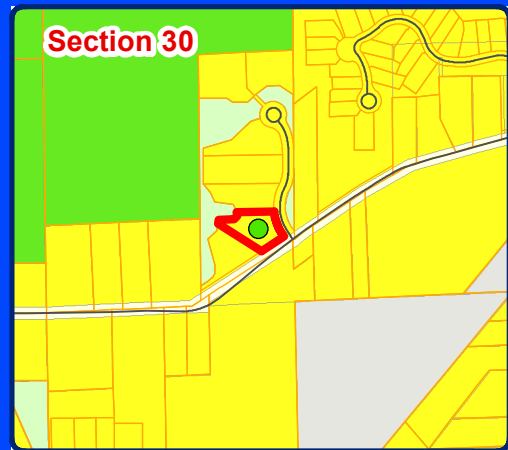
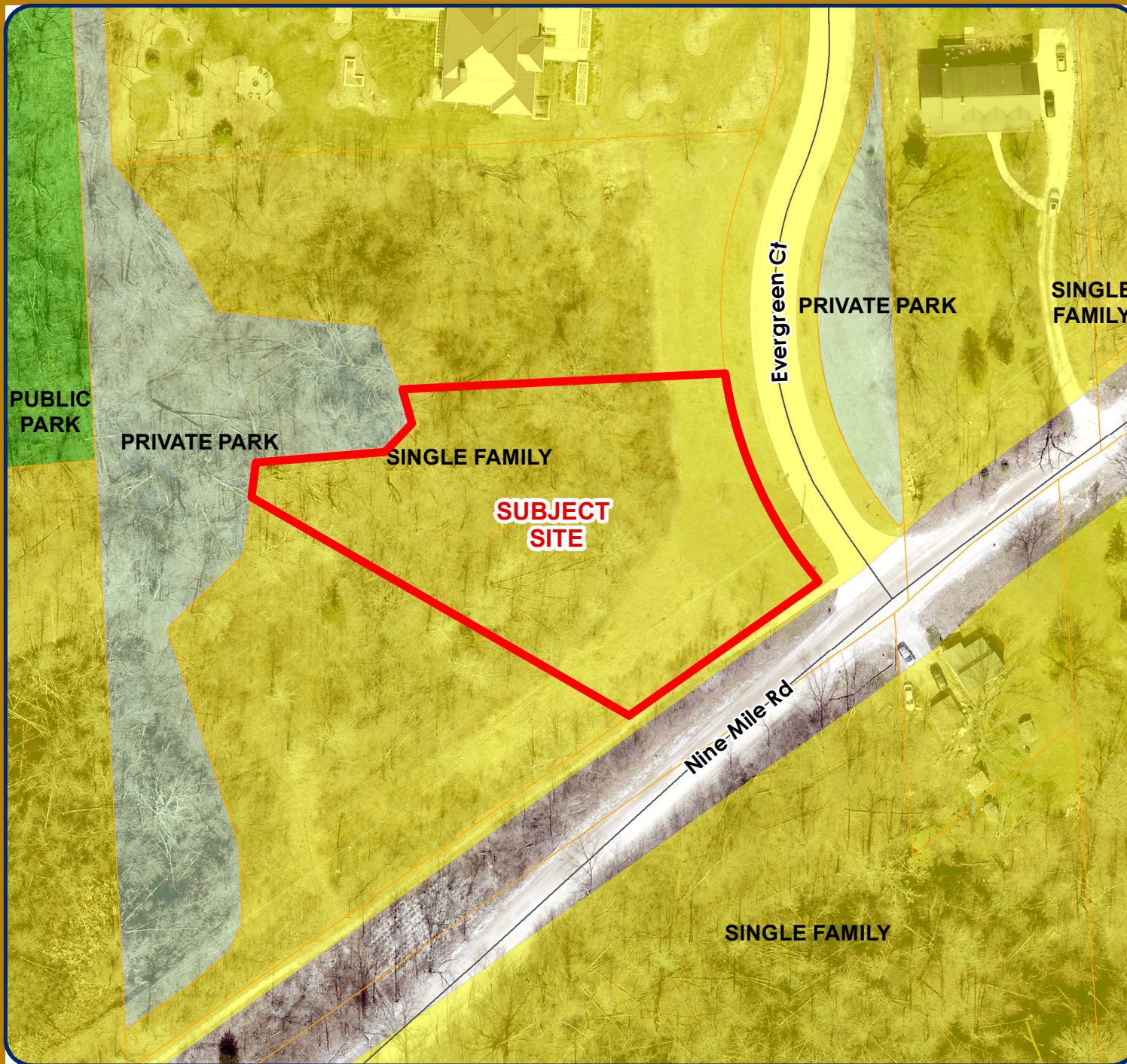


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22535 EVERGREEN COURT WOODLAND PERMIT

FUTURE LAND USE



LEGEND

- Single Family
- Public Park
- Private Park
- Utility
- Subject Property

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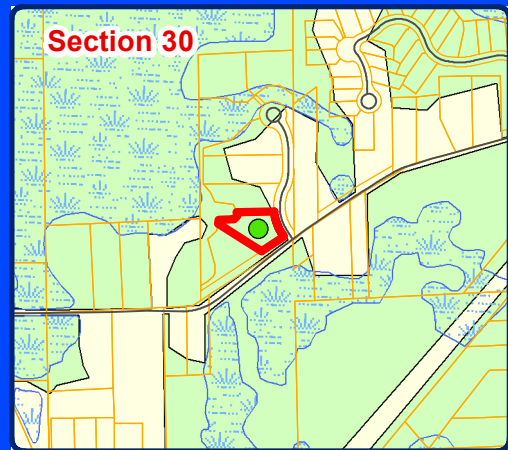
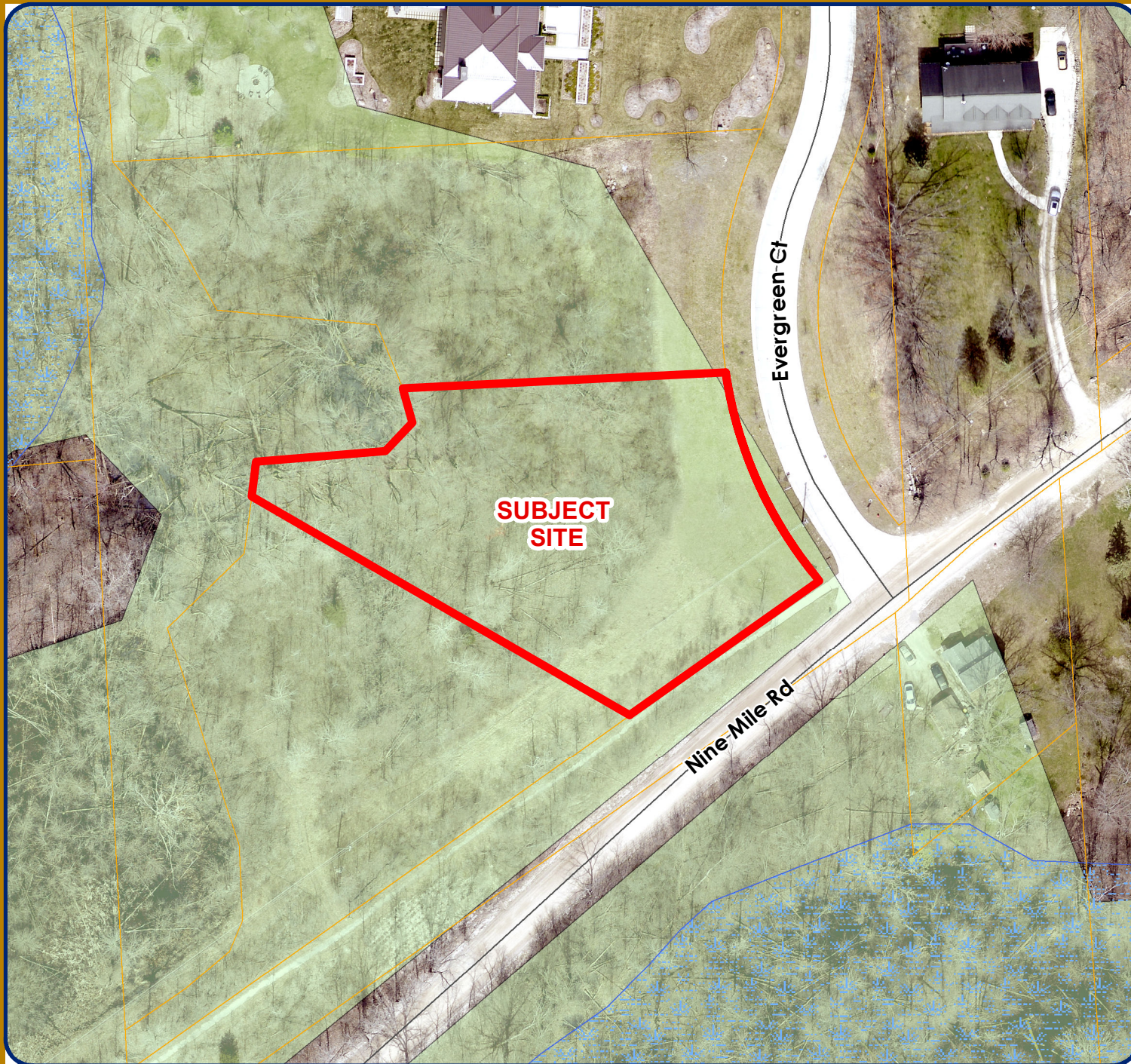
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22535 EVERGREEN COURT WOODLAND PERMIT

NATURAL FEATURES




LEGEND

- WETLANDS
- WOODLANDS
- Subject Property

 **City of Novi**
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PLOT PLAN

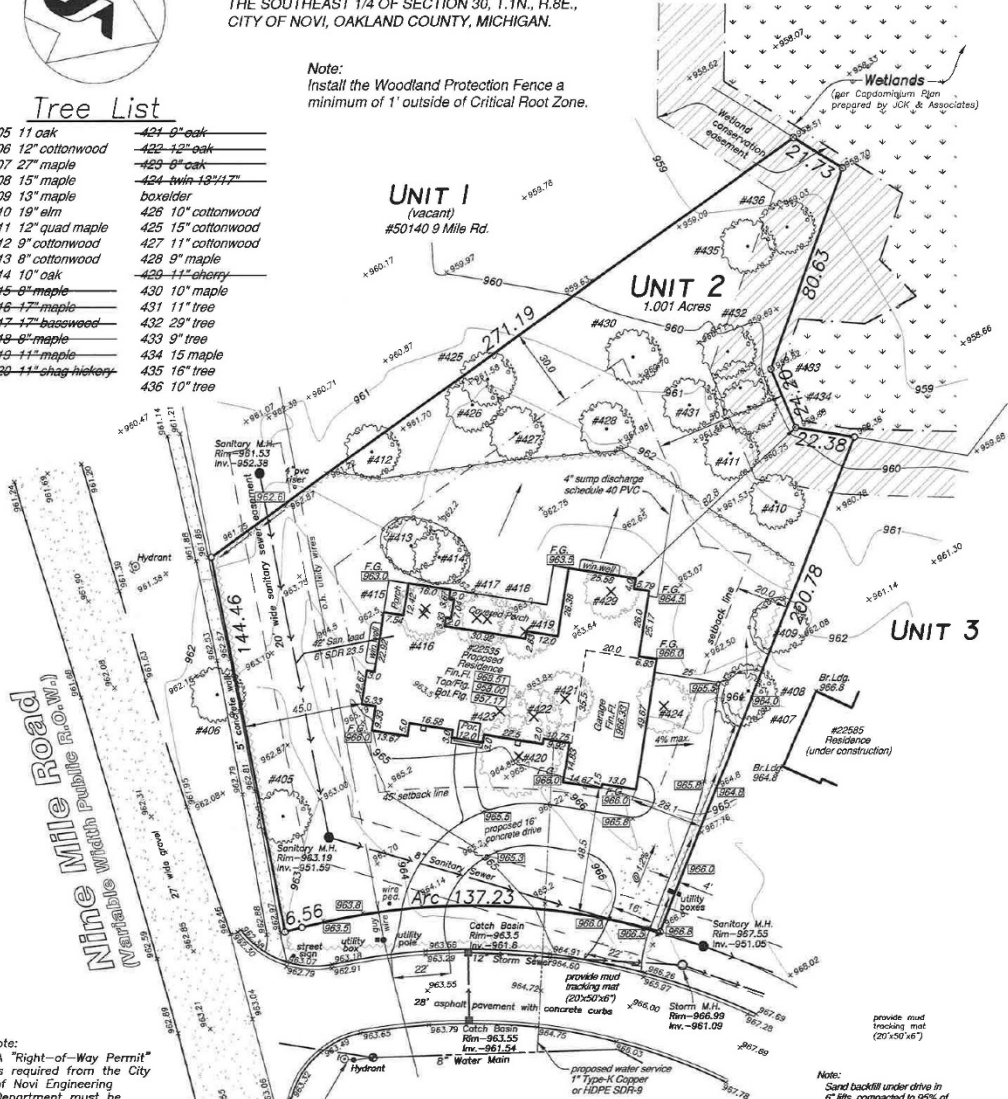


LEGAL DESCRIPTION
 UNIT 2 OF "EVERGREEN ESTATES", RESIDENTIAL
 SITE CONDOMINIUMS, A PART OF THE WEST 1/2 OF
 THE SOUTHEAST 1/4 OF SECTION 30, T.1N., R.8E.,
 CITY OF NOVI, OAKLAND COUNTY, MICHIGAN.

Note:
 Install the Woodland Protection Fence a
 minimum of 1' outside of Critical Root Zone.

Tree List

- | | |
|---------------------|-------------------|
| 405 11 oak | 421 9 oak |
| 406 12 cottonwood | 422 4 oak |
| 407 27 maple | 423 9 oak |
| 408 15 maple | 424 twin-13/17 |
| 409 13 maple | boxelder |
| 410 19 elm | 425 10 cottonwood |
| 411 12 quad maple | 425 15 cottonwood |
| 412 9 cottonwood | 427 11 cottonwood |
| 413 8 cottonwood | 428 9 maple |
| 414 10 oak | 429 11 cherry |
| 415 9 maple | 430 10 maple |
| 416 17 maple | 431 11 tree |
| 417 17 basswood | 432 20 tree |
| 418 9 maple | 433 9 tree |
| 419 11 maple | 434 15 maple |
| 420 11 shag hickory | 435 16 tree |
| | 436 10 tree |



Note:
 A "Right-of-Way Permit"
 is required from the City
 of Novi Engineering
 Department must be
 issued prior to issuance
 of Building Permit.

NAVD88 BENCH MARK
 ARROW ON HYDRANT
 ELEVATION = 965.82

Legend

- 000.00 = Existing Elevation
- 000.00 = Proposed Elevation
- = Drainage Course
- = Silt Fence
- = Brick Ledge
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Evergreen Court
 (60' PRIVATE R.O.W.)

Note:
 A hold harmless letter is required because the secondary
 driveway crosses the sanitary sewer easement.

Note:
 The Builder is responsible for resolving any drainage problems on
 adjacent properties that are the result of construction activities.

Note:
 Sand backfill under drive in
 6" lifts, compacted to 95% of
 maximum density in areas of
 water service excavation.

Note:
 Install & maintain inlet filter
 & silt fence throughout
 construction

MAR 31 2023

CITY OF NOVI
 COMMUNITY DEVELOPMENT

GRADING PLAN

prepared for: Angela & Daniel Havriliuc
 4499 Broadmoor Circle
 Northville, MI 48168
 248 470-9804

JEKABSON & ASSOCIATES, P.C.
 Professional Land Surveyors
 1320 Goldsmith, Plymouth, MI 48170
 (734) 414-7200 (734) 414-7272 fax

by

[Signature]



Date	15 March 2023
Job No.	17-07-018
Scale	1" = 40'
Drawn	AAH
Checked	JGE
Sheet	1 OF 1

PBR 23-017

WOODLAND REVIEW



Corporate Headquarters
295 South Water Street, Suite 300
Kent, OH 44240
800-828-8312

Local Office
3381 Lapeer Rd. West
Auburn Hills, MI 48326

To: Nina Schaffrath, Account Clerk
City of Novi

From: Kerry Gray, Principal Consultant
Davey Resource Group

CC: Barbara McBeth, City of Novi City Planner
Lindsay Bell, City of Novi Senior Planner
Christian Carroll, City of Novi Planner
Ben Peacock, City of Novi Planner
Rick Meader, City of Novi Landscape Architect
Diana Shanahan, City of Novi Planning Assistant
Heather Gendron, Spalding DeDecker
Ted Meadows, Spalding DeDecker
Sydney Waynick, Spalding DeDecker
Douglas Repen, The Mannik & Smith Group, Inc.

Date: April 13, 2023

RE: 22535 Evergreen Ct - Single Family Residential Plot Plan
Woodland Review #1 – PBR23-017

Davey Resource Group, Inc. (DRG) has conducted a review of the single-family residential plot plan for 22535 Evergreen Ct. prepared by Jakobson & Associates, PC (date: 03/15/2022). DRG reviewed the plan for conformance with the City of Novi’s Woodland Protection Ordinance, Chapter 37. The site (parcel 22-30-451-002) contains City-regulated woodlands and a woodland/wetland conservation easement (Figure 1).

Recommendation: DRG **recommends approval** of the 22535 Evergreen Ct. Residential Plot Plan contingent upon addressing the Woodland Review comments. The Woodland Use Permit **will require Planning Commission approval** because 14 trees are proposed to be removed or have critical root zone impacts.

The following Woodland Regulations apply to this site:

Woodland Regulation	Required
Woodland Permit (Chapter 37, Section 37-26)	YES
Tree Replacement (Chapter 37, Section 37-8)	YES
Tree Protection (Fence) (Chapter 37, Section 37-9)	YES
Woodland Conservation Easement (Chapter 37-30 (e))	Existing

WOODLAND IMPACTS

The site contains regulated woodlands and trees. The applicant is proposing the removal of 11 and impacts to 3 regulated woodland trees for the construction of a single-family residential home.

Tree Removals

- Tree #415– 8” maple
- Tree #416 – 17” maple
- Tree #417 – 17” basswood
- Tree #418 – 8” maple
- Tree #419 – 11” maple
- Tree #420 – 11” shagbark hickory
- Tree #421 – 8” oak
- Tree #422 – 12” oak
- Tree #423 – 8” oak
- Tree#424 – 13”/17” boxelder (multi-stem)
- Tree#429 – 11” cherry

Critical Root Zone Impacts

- Tree #407 – 27” maple
- Tree #408 – 15” maple
- Tree #413 - 8” cottonwood
- Tree #414 – 10” oak

A Woodland Use Permit is required to perform construction on any site containing regulated woodlands. This permit **requires Planning Commission approval** because there are more than 3 regulated trees proposed to be removed or impacted.

WOODLAND REVIEW COMMENTS

1. **Woodland Replacement Credits.** The following woodland replacements are required:

Tree Size (DBH)	Number of Trees	Ratio Replacement/Removed Tree	Total Replacements Required
8-11”	9	1	9
12-20”	4	2	8
21-29”	1	3	3
30+”	-	4	-
Multi-Stem	1	Add Stems/8	4
Total Replacement Credits Required			24

Trees #407, #408, #413, and #414 will have impacts to their critical root zones and will require woodland replacements. The replacements for those trees are included in the table above. **Revise plans to note the critical root zone impact to these trees and the woodland replacement requirement.**

2. Woodland replacement credits can be provided by:

- Planting the woodland tree replacement credits on-site.
- Payment to the City of Novi Tree Fund at a rate of \$400/woodland replacement credit.
 - **Note:** Payment into the Tree Fund is required for critical root zone impacts (Chapter 378, Section 37-9(a)(1) that require woodland replacements.
- Combination of on-site tree planting and payment into the City of Novi Tree Fund (\$400/woodland replacement credit).

Indicate on the Plot Plan the number of required woodland replacement credits and how the requirements will be met.

3. Woodland Replacement Trees.

- a. Replacement trees shall be Michigan native species. A list of suitable species can be found in this memo. The City can deny the use of certain trees based upon disease or insect susceptibility or the growing conditions on the site. Further, the City can determine the number of different tree species in a planting as a diversity of tree species is strongly encouraged (Chapter 37, Section 37-8).
- b. Replacement trees should not be located:
 - i. within 10' of built structures or the edges of utility easements and
 - ii. over underground structures/utilities or within their associated easements.
 - iii. In addition, replacement tree spacing should follow the Plant Material Spacing Relationship Chart for Landscape Purposes found in the City of Novi Landscape Design Manual.

4. Financial Guarantees. The following Financial Guarantees and/or City of Novi Tree Fund payments are required prior to issuance of the City of Novi Woodland Use Permit:

1. A **financial guarantee of \$6,800** (17 woodland replacement credits x \$400/tree replacement credit) is required to ensure planting of woodland replacement credits. The financial guarantee will be released after trees have been planted and approved by the City of Novi. The applicant must request the tree planting inspection.
2. **City of Novi Tree Fund.** A payment into the City of Novi Tree Fund in the amount of **\$2,800** for the four trees that will have critical root zone impacts (7 woodland replacement credits required x \$400/woodland replacement).

If space constraints prohibit other required tree replacement credits from being planted on site a **payment into the City of Novi Tree Fund at a rate of \$400/tree replacement credit is required.** This payment is non-refundable.

3. **The applicant shall guarantee trees for two (2) growing seasons after installation and the City's acceptance,** per The City's Performance Guarantees Ordinance. A two-year maintenance bond in the amount of twenty-five (25) percent of the value of the trees, but in no case less than one thousand dollars (\$1,000.00), shall be required to ensure the continued health of the trees following acceptance (Chapter 26.5, Section 26.5-37). Based on a successful inspection two (2) years after installation of the on-site Woodland Replacement trees, the Woodland Replacement

Performance Guarantee shall be returned to the Applicant. The Applicant is responsible for requesting this inspection.

5. A **financial guarantee in the amount of \$750 is required for tree protection fencing maintenance** per Chapter 26.5-37. This guarantee shall be paid prior to issuance of the City of Novi Woodland Use Permit and shall be released after tree removals following inspection by the City of Novi. The applicant must request the fence removal inspection.

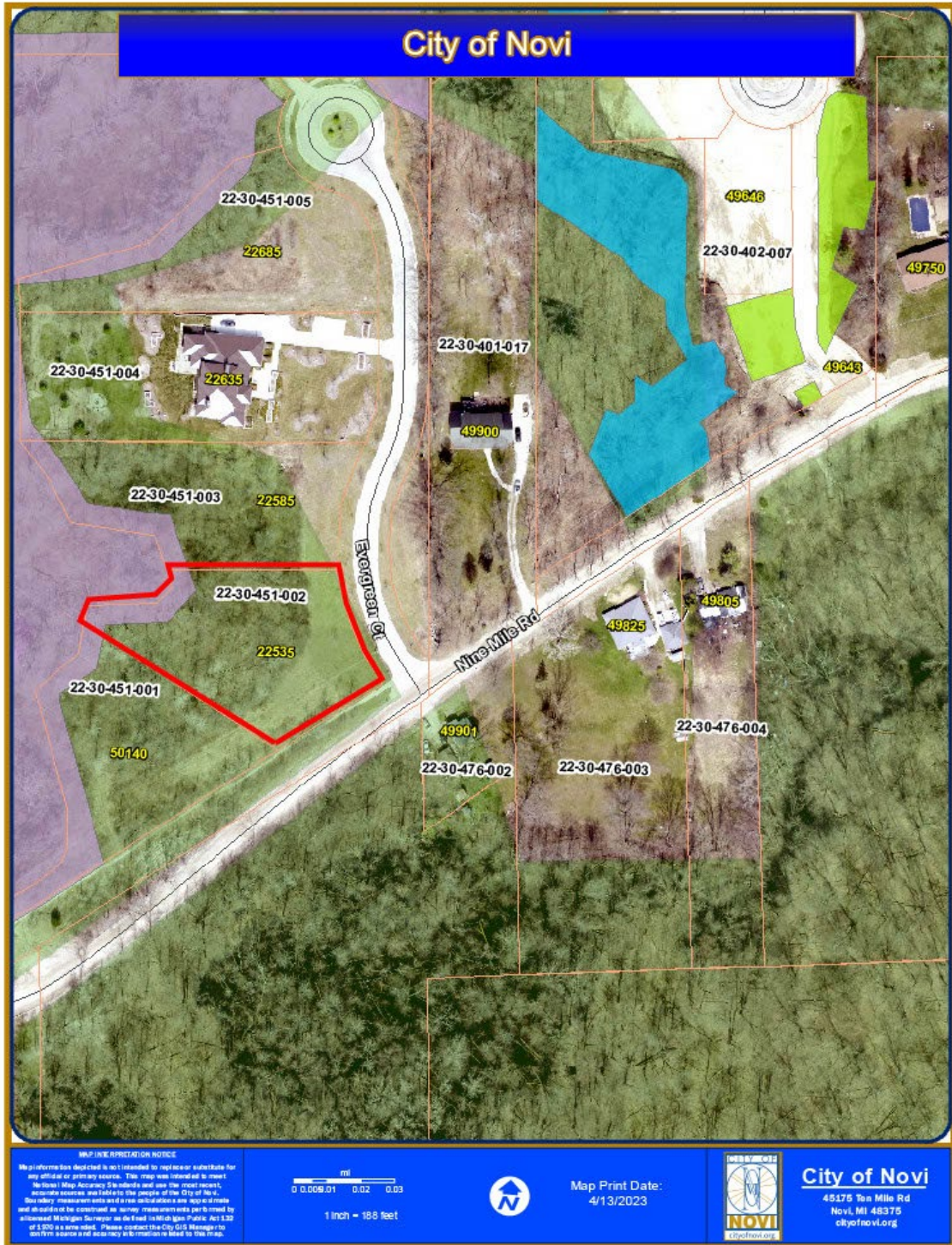


Figure 1. 22535 Evergreen Ct (red outlined parcel)
City of Novi Regulated Woodland Map
(green shading = regulated woodland;
purple shading = woodland/wetland conservation easement)

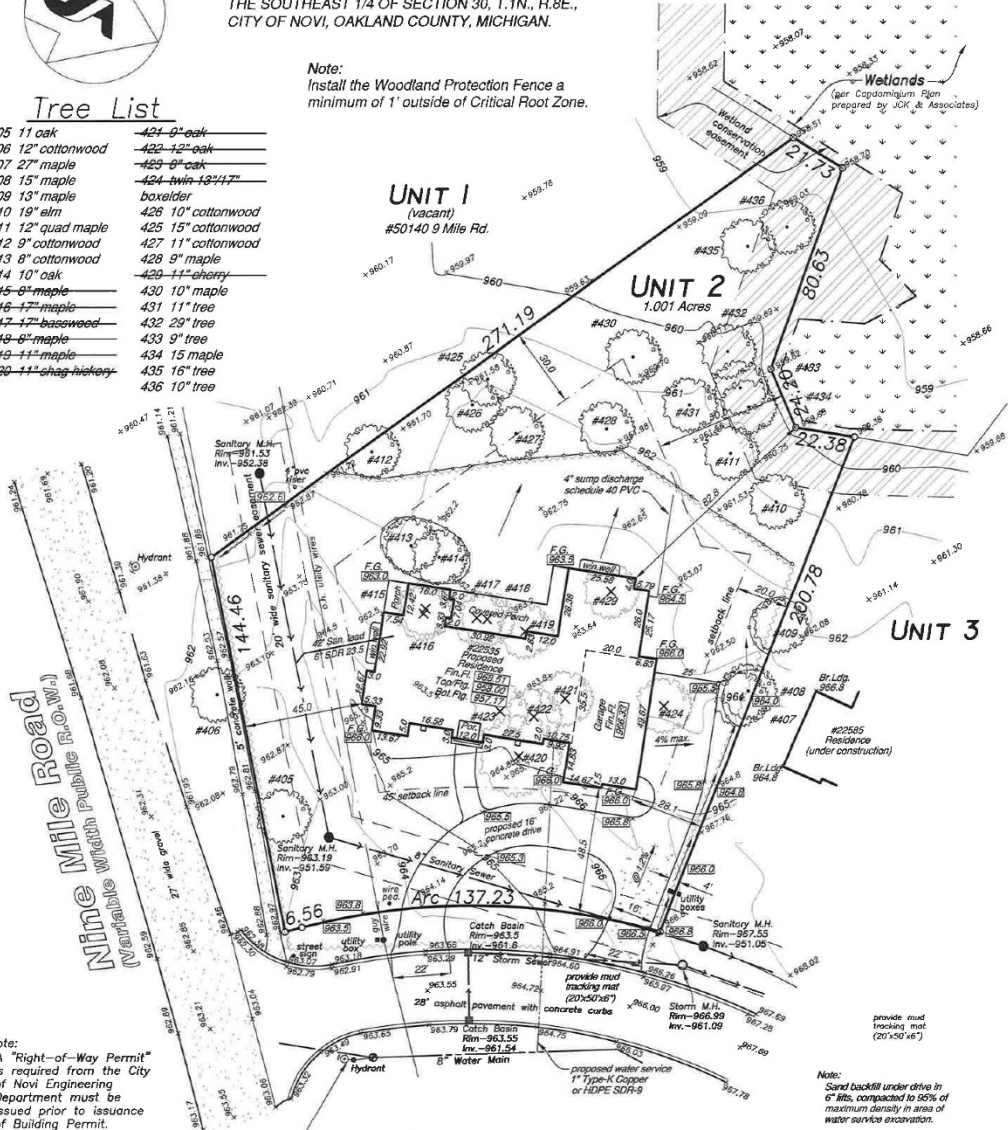


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