



TREE REMOVAL IN PROTECTED AREAS

THE RIVER CORRIDOR

BACKGROUND: The Metropolitan River Protection Act (MRPA) was adopted by the State Legislature in 1973 to provide adequate protection to the State's water supplies. The MRPA and the accompanying River Corridor Plan limits the clearance of vegetation including trees and the amount of impervious surface created within developments or lots that are within 2,000 feet of either bank of the Chattahoochee River. No permit can be issued for any land or building development work that exceeds the maximum limits of disturbance or impervious surface established by these reviews. Local government, in this case, the City of Johns Creek is the governing authority that enforces the MRPA.

What does this mean to you as a homeowner if you want to remove a tree(s) or clear more area for a larger lawn, pool, patio, or home addition?

It means that, in most instances, your home was built in conformance with the established limits of disturbance and impervious surface area and that any subsequent landscaping or building additions cannot exceed these limits.

Each time you seek to make a change to your property located in the River Corridor that will increase the area of disturbance or impervious surface area you must contact the City's Community Development Department to find out if you have the Disturbance and/or Impervious Surface Area allotments to do so.

As a property owner located within the River Corridor you should *never remove any trees or clear any un-cleared areas* of your property without first contacting the City's Community Development Department at 678-512-3200 to determine if what you want to do is consistent with the limits pertaining to your specific property.

Other MRPA regulations you should be aware of include:

- No land disturbing activities of any kind (including clearing or cutting of any vegetation) may occur within 50 feet of the river's bank or within 50 feet of its tributary creeks;
- No impervious structures such as houses, garages, storage sheds, patios, pool, decks, driveways, sidewalks, recreational courts, docks or any other impervious surface may be built within 150 feet of the banks of the Chattahoochee River.
- The City of Johns Creek vigorously enforces these regulations and violators may be held responsible if clearance and impervious surface area limits are exceeded by a property owner by requiring the property owner to restore the cleared land, remove



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the impervious structure(s) and/or by being fined up to \$1,000 per day for continued non-compliance.

1. REMOVAL OF DEAD TREES: A dead tree may be removed from a property located in the 2000-foot Chattahoochee River Corridor by providing photos of the dead tree and its location on either a site plan or aerial view of the property to the City's Community Development Director for review.
2. REMOVAL OF DISEASED AND INSECT-INFESTED TREES: The removal of a diseased or insect-infested tree from the 2000-foot Chattahoochee River Corridor may be allowed, provided that an ISA Certified Arborist provides a written report to the City's Community Development Director providing the following information:
 - a. The location of the tree as shown on a site plan or aerial photograph;
 - b. Photos of the tree to be removed and close up photos of the areas of the tree that are diseased or infested by insects;
 - c. A description of the tree;
 - d. A description of the disease or insects affecting the tree; and
 - e. A reason, or reasons, why the diseased or insect-infested tree cannot be saved.

The report must be signed by the Arborist and the Arborist's Certification Number must be provided. If you need to find a certified arborist, a good website is: <http://www.isa-arbor.com/faca/findArborist.aspx> . This is the website for the International Society of Arboriculture (ISA), the certification that we require.

3. REMOVAL OF HEALTHY TREES: Trees that are leaning, blocking views or otherwise not wanted, but are not dead, not diseased and not insect-infested, are considered healthy trees. If a healthy tree is requested to be removed by a River Corridor property owner, then the property owner must have available River Corridor Disturbance Credits in order to remove the tree. The amount of Disturbance Credits needs to be sufficient to cover the area of disturbance (measured in square feet of land area) caused by removing the tree and its roots.
 - a. A Disturbance Credit represent a square foot (SF). For example, if the area of land that will be disturbed by removing the tree, its root ball and the canopy area where the remaining roots are primarily located is for example a 10 foot by 10 foot area (i.e., 100 SF), then the property owner will need to show that they have available 100 SF in Disturbance Credits.



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- b. Residential subdivisions located in the River Corridor were typically developed where each lot was allotted a certain number of Disturbance Credits. Some residential subdivisions located in the River Corridor have excess Disturbance Credits after the lots were developed and those excess Disturbance Credits were either assigned to the lot or assigned to the HOA to manage. Still other subdivisions located in the River Corridor do not have any excess Disturbance Credits.
- c. Disturbance Credits are transferable among property owners and the HOA only within the subdivision in which they are located, unless otherwise plated.
- d. If available, Disturbance Credits may be bought and sold at whatever price the market may bear.
- e. To determine whether a property owner has Disturbance Credits available to remove the tree the following documents must be submitted to the Community Development Director for review and approval:
 - i. An updated as-built survey to determine available Disturbance Credits. The as-built survey must show:
 - 1. the location(s) of the tree(s);
 - 2. the area and amount of square footage that will be cleared;
 - 3. the current area and square footage that has been cleared;
 - 4. a chart showing the allowed and existing disturbance credits for the property; and
 - 5. the number of credits, if available, to be used for the healthy tree removal; and
 - ii. Aerial photos of the property and location(s) of the tree(s).

NOTE: If Disturbance Credits are transferred from one property owner or from the HOA to the property owner requesting to remove the tree(s) because the Disturbance Credits are obtained from another property owner in the subdivision, then a revised Final Plat for that subdivision, or phase of subdivision will be required to record the transfer of credits.

4. REPLANTING OF ILLEGALLY REMOVED TREES

- a. If a tree has been illegally removed from a protected area within the Chattahoochee River Corridor, then new trees will need to be replanted to



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bring the lot back into compliance with the allotted clearance requirements for the lot.

- b. Below is the list of recommended trees for restoration.

ACCEPTABLE EVERGREEN PLANT MATERIAL FOR PROTECTED AREAS WITHIN THE RIVER CORRIDOR

Cherry Laurel
Ligustrum (No Ligustrum sinense)
Eastern Red Cedar
Cleyera
Canadian Hemlock
Cryptomeria
Deodar Cedar
American Holly
Chinese Holly
English Holly
Longstalk Holly
Lusterleaf Holly
Perny Holly
Nellie R. Stevens Holly, (a cross between Chinese & English Hollies)
Tree-form Yaupon Holly
Hetzi Juniper
Pfitzer Juniper
Southern Magnolia
Wax Myrtle
Virginia Pine
Japanese Viburnum
Japanese Camellia

PLEASE ALLOW UP TO 30-DAYS FOR STAFF REVIEW AFTER RECIPT OF A TREE REMOVAL REQUEST.