

Urban Forestry: Council pondering new tree preservation policies (/1663/2008/07/25/urban-forestry)

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Scott Wright has enjoyed the Brentwood forest behind his property since he moved to the Woodridge neighborhood four years ago. He is glad the neighborhood will be able to save a portion of the forest.

The neighbors call it Berrywood Little Forest, an 11-acre oasis in the shadow of Columbia Regional Hospital and a few hundred yards from [Interstate 70 \(http://en.wikipedia.org/wiki/Interstate_70\)](http://en.wikipedia.org/wiki/Interstate_70).

The towering canopy hides the medical buildings on the western perimeter and the Woodridge neighborhood to the east, where the streets are named after trees: Evergreen Lane, Berrywood Drive and Cedar Lane. The foliage muffles the traffic noise and allows visitors to hear the tapping, singing and whistling of the birds.

Neighbors walk their dogs through the attractive old growth trees and shady ravines or watch deer sniff at their gardens from their back porches. An old wooden tree house is nestled between three wide trees, and local children recently added new boards, ropes and toys to it.

Large red oak, white oak, shagbark hickory and a few large linden trees that grow along the ravine have escaped logging for nearly 300 years.

“That’s what’s special about it and what is attracting a lot of attention,” City Arborist Lou Phemister said. “It’s unusual. This is a pristine forest area that hasn’t been logged before.”

With its adjacent medical park and major highways, Berrywood, also known as Keene Estates, is a prime

location for development.

The city council recently approved a plan for the property owner, an Oklahoma company called SOCH LC, to cut down almost 75 percent of the existing trees and build an assisted-living community. Silver Oak Senior Living Center would cost more than \$22 million and have 275,000 square feet of building space.

But in a compromise worked out with neighbors, the developer agreed to relinquish the southeastern quarter of the woodlands as a conservation easement, a rare tactic that preserves the woodland in perpetuity. The developer also agreed to plant 35 Eastern Red Oak trees to help with opacity during the winter.

"It's not our property; the fact is that it's going to be developed," neighbor Scott Wright said. "Most people were thrilled to get a developer who would work with us to save a portion of it."

Needs of competing interests weighed

In the coming months, the city council will discuss modifications of current land-use ordinances. The council will get a report from the [Columbia Public Works Department \(http://www.gocolumbiamo.com/PublicWorks/\)](http://www.gocolumbiamo.com/PublicWorks/), which is looking into conservation easements, interlocking green space and other land-use policies.

The ephemeral argument of woodland preservation tends to pit environmentalists against business people whenever the council considers plans for developing green spaces.

"With development, there's always that trade off between environmental protection and making the land usable," Planning and Development Director Tim Teddy said.

Third Ward Council Representative Karl Skala said it's not a matter of taking sides with one group, but a matter of "making everyone equally a little unhappy."

High-profile development conflicts such as the proposed Crosscreek Center at U.S. 63 and Stadium Boulevard, and the Wal-Mart construction on Grindstone Boulevard have prompted a wider conversation about tree preservation. As the city expands, the untouched green areas will inevitably shrink. Where and how much will disappear depends on the council's discretion.

"The concern I hear from listening to the council is a lot of sites are unsightly," Teddy said. "They are worried about the dirt stock piles, exposed earth. From the property owner's perspective they bought the land and they have the right to do this on their land as long as it doesn't create traffic or cause a burden to infrastructure."

New technology provides a baseline

To help the council decide how to rework the current ordinance, including the 25 percent rule, land disturbance permits and tree preservation, they have enlisted the help of Tim Haithcoat, the director of geospatial intelligence at the [University of Missouri \(http://www.missouri.edu\)](http://www.missouri.edu). Haithcoat will produce detailed maps of what vegetation already exists in Columbia and where preservation should occur.

The Natural Resource Inventory, which comes out in September, will provide the council with a baseline of tree species in the area. Once the maps reveal a design of the area's vegetation, the decision remains where and even how Columbia will go about preserving trees and the natural contours of the region while allowing for developable sites.

Once the tree inventory is complete, the city will need to create a more comprehensive plan for tree preservation, Phemister said.

“There may need to be some reorganizing in the departments to see who will take care of these trees.”

Phemister is the only arborist in the Columbia Public Works Department. The Parks and Recreation Department is only responsible for park maintenance and trees in the downtown area.

“The city will need to deal with urban forestry in a more comprehensive way, maybe with a master plan and setting goals or targets for tree coverage around the city,” Phemister said. “It’s going to have a major impact on the decisions that are being made by the city council, and how they want to move forward from this point.”

Haitcoat said the new technology won’t play a large role in determining specific site problems, but will most likely be a vital component in the council’s decision to change the overall tree and land disturbance ordinances.

“This mapping gives us the ability to determine where our preservable areas are and the areas where we can develop,” Skala said.

Under the current ordinance on land disturbances, it’s the property owner’s prerogative to clear land before a plan is approved. Ordinances regulate the percentage of trees that must be preserved and the development allowed on steep slopes.

“With the land disturbance permit a developer can get at any time, they could grade the land with that permit,” Teddy said. “Sometimes they see it as advantageous to make grading changes for prospective clients to see the land. They go ahead and get the grading done to get that step out of the way and get closer to shovel-ready sites.”

Teddy added: “Community members have been reacting to that, the major grade work that modifies the landscape. The critics’ concern is they want to be able to comment on those disturbances of land.”

Neighbors react to land disturbances

The Woodridge Neighborhood Association requested the developer at Little Berrywood Forest leave the front of the site in a natural state until construction begins.



SOCH LC representative Terry Baumeister said for the development at Berrywood and others across the country, developers are adjusting to a new bargaining process between city staff and neighbors concerning preservation.

"The developers are getting more and more used to that," Baumeister said. "It's part of the development and planning process these days. Some things that have either historical or natural significance need to be preserved."

Originally proposed May 19 at a city council meeting, the Silver Oaks project was repeatedly tabled until July 7 because of issues tied to tree preservation.

The land is zoned for residential use, which means it could have been turned into a neighborhood like the one on its east border and the property owner's would not be responsible for preserving a percentage of trees. The developer asked the council to change the zoning to Planned Office District.

"There is a potential solution there," Skala said, "to make the 25 percent into a conservation easement so it goes with the property and can't be subdivided."

Conservation easements have not been used frequently in Columbia, Public Works Director John Glascock said.

The conservation easement is similar to the existing ordinance that requires developers with properties over an acre preserve 25 percent of climax forest, which is defined as any woodland community over 20,000 square feet with tree species including oak, hickory or sugar maple. The difference between the easement and the 25 percent rule is that easements cannot be developed or disrupted in the future, regardless of how the property is subdivided. In contrast to the easement, roads are allowed to be built through a property's 25 percent of preserved trees, which was the case in the Maguire Boulevard extension. The new road that extends Maguire will be built through the Crosscreek development's required 25 percent tree preservation, Glascock said.

The current tree ordinance replaced one in which the 25 percent of preserved trees needed to be distributed throughout the property, but Skala said it's still deficient.

"We need to abandon the 25 percent idea completely in favor of a real guideline for development areas to coexist with undeveloped areas," Skala said.

Criticism of the current ordinance centers on the idea that most developers will put the portion of preserved trees in the back of their properties or away from view, Glascock said.

"It's always been a concern since we changed from equally distributed to the 25 percent rule that a lot of trees are put in the back and city council wants them up front where the people can see them," Glascock said.

Another problem from a tree preservation standpoint is that developers are allowed to set the dimensions of that 25 percent. Oftentimes, this creates narrow, linear strips of forest along a property's perimeter.



This artistic rendering of the Silver Oak Senior Living Center shows a design that incorporates the surrounding forested areas of Berrywood Little forest. The plan was approved at a July 7 council meeting.

"This creates a lot of damage to the stems along the periphery of the trees, the longer the boundary, the more damage and effect it will have on the trees," Phemister said. "If these areas were more concentrated in blocks it would be better, if it were regulated a bit more strictly."

That process could become a negotiation between the city and developer for aspect ratios of the preserved trees, said Phemister.

Negotiating tree preservation

First Ward Council Representative Paul Sturtz said council members "need to take important tracts of land and improve the passageways for wildlife."

“Bioregionally, it’s important in terms of how deer and beaver get from one region to the next,” Sturtz said. “Over time, you create a better environment from an ecological standpoint.”

But emphasizing the connection of green space rather than preservation on individual properties could generate opposition from neighbors who demand a more aesthetically pleasing option closer to home.

“I would much rather preserve what is here within reason,” Wright said. “There’s a lot to be said for having an undeveloped green space to enjoy. Taking that away, that doesn’t square with being a good neighbor.”

Sturtz said neighbors do not want to eliminate old growth areas in favor of a newer generation of trees elsewhere. Old growths that are deteriorating offer more for wildlife that dig out holes in the old trunks and nest in tall canopies than newer trees, Phemister said.

“We need a bit of both,” Sturtz said. “And more understanding that it’s not enough to just preserve these trees; that doesn’t create vitality over time.”

Sturtz suggested the city purchase outright all the stream buffers to protect them from development, but said a project like that would carry a hefty toll, too large for the city to bear.

He suggests giving incentives to developers to develop in downtown areas, where existing infrastructure can be used.

Since there are areas, specifically surrounding the Silver Oak Senior Living Center site, that have already been stripped of most of their wooded features, sometimes the last developer is left holding the bill.

“Ninety-five percent of that land (Berrywood) is wooded,” Teddy said. “The area around that tract doesn’t have those trees anymore, it’s mostly stripped of its natural forests because those areas were developed before the ordinance. Now there’s the question, should that burden be put on the late arrivals?”

The Senior Living Center tract is one of the remaining wooded areas in a large development of medical plazas that include several professional buildings and the Columbia Regional Hospital. Another complication to the Berrywood site is the late proposal of a trail through the conservation easement at the July 7 council meeting. City council members disagreed over what level of public access is appropriate for a conservation easement. Neighbors, who have been working closely with the developer, said they were uninformed about the proposed trail.

“We thought it was going to be a ‘no access’ easement. There’s this issue of conservation versus preservation. You can’t give an area full access and preserve it; you end up turning it into a park,” Wright said. “This echoes of what upset the people in Vanderveen,” referring to a public trail that was built behind the Vanderveen development. “I love the trails in Columbia, but I’m not sure if I’m ready to have one in my backyard.”

The Woodridge Neighborhood Association worked with SOCH LC for about a year to reach an agreeable compromise. Although the council already approved their plans and rezoned the property to planned office district, the developer is pursuing alternative locations with less tree coverage.

“I think everyone is trying to do the same thing, preserve trees,” Baumeister said. “We’re looking for a sight where we don’t have to tear down as many trees.”

Currently, the developer is looking at two possible locations, but the city would need to supply the money to “trade out” locations. They have until the end of the month before all aspects need to be finalized, Baumeister said.

“If we move the site, then the whole forest would be under conservation and go to the city or the neighborhood,” Baumeister said.

Baumeister's worked on projects across the country including developments in very environmentally-conscious states like California and Colorado, but appreciates the cooperation from Columbia residents and staff.

“Missouri's been far more pleasant of a place to work with than those,” Baumeister said. “People are passionate about trees, and I am, too. Everybody in Columbia has been very helpful and creative with possible solutions.”

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