

## **Memo regarding proposed new subsection to apply to public utility easements**

In connection with recent development activity, questions have arisen as to what structures, if any, may be placed and what types of trees may be planted within a public utility easement.

To address these questions, a new subsection is proposed, to be added to Chapter 28 - "Streets, Sidewalks, and Other Public Places", Article II - "Construction in City Row" , Section 28-23 - "Construction Standards". The proposed new subsection would do the following:

1. Prohibit permanent structures from being placed within a public utility easement unless otherwise expressly allowed by the Code.

2. Require that trees planted within 20 feet of an "above-ground power, cable, or telephone line" or within 10 lateral feet of an "underground water line or other underground utility" be of the species specified in the Tree Protection ordinance as allowable for replacement within a public utility easement.

3. Require that trees planted within 10 lateral feet of an underground water line or other underground utility be installed with a root barrier at least 4 feet deep between the tree and the underground utility facility at a lateral distance of 5 feet from the utility.

4. Amend the title of Chapter 28, Article II to read: "Construction in City ROW and Public Utility Easements."