



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2531

Introduced 2/6/2018, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Conservation Housing Development Act. Provides that a person seeking to construct a new housing development, if the plan includes the removal of trees, shall apply to the Department of Natural Resources for approval before construction may begin. Provides that the Department may forward the request to a unit of local government to enforce the Act on its behalf. Provides that the Department, or if the Department has granted authority to a unit of local government, shall approve a request for tree removal if: (1) the trees are diseased, infested with pests, or have been seriously damaged by fire, lightening, storm, or other injury; (2) dictated by good forestry practice if removal is beneficial to remaining trees; or (3) the trees have been designated for removal on an approved tree preservation plan. Provides that a tree preservation plan prepared by a registered arborist or landscape architect indicating the location, species, size, and condition of existing trees shall be submitted in conjunction with all applications for approval to the Department. Provides that the tree preservation plan shall indicate the location of the trees to be preserved and the methods which will be used to preserve the trees. Makes other changes. Effective January 1, 2020.

LRB100 17133 SLF 32285 b

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Conservation Housing Development Act.

6 Section 5. Definitions.

7 "Department" means the Department of Natural Resources.

8 "New housing development" means a proposed development
9 plan with 5 or more structures per 5 acres that is used as a
10 home or residence, by one or more persons including, but not
11 limited to, single-family residences, manufactured homes, or
12 multifamily housing.

13 Section 10. Enforcement and applicability. The
14 requirements of this Act shall only be applicable to new
15 housing developments. Nothing in this Act shall restrict a unit
16 of local government from imposing stricter standards on new
17 housing developments.

18 Section 15. Approval requirements.

19 (a) A person seeking to construct a new housing
20 development, if the construction plan includes the removal of
21 trees, shall apply to the Department for approval before

1 construction may begin. The Department may forward the request
2 to a unit of local government to enforce this Act on its
3 behalf.

4 (b) The Department, or if the Department has granted
5 authority to a unit of local government, shall approve a
6 request for tree removal if:

7 (1) the trees are diseased, infested with pests, or
8 have been seriously damaged by fire, lightening, storm, or
9 other injury;

10 (2) dictated by good forestry practice if removal is
11 beneficial to remaining trees; or

12 (3) the trees have been designated for removal on an
13 approved tree preservation plan.

14 (c) A deciduous tree having a trunk size of six inches or
15 greater in diameter, as measured 6 inches above the established
16 grade and evergreen trees measuring 10 vertical feet or more in
17 height shall not be removed from unimproved, partially
18 improved, or improved land without written approval from the
19 Department, or unit of local government. The tree preservation
20 plan included with the application shall include the reasons
21 for removal of any trees and include a general description of
22 the trees to be removed.

23 Section 20. Protection of existing trees.

24 (a) Every reasonable effort shall be made to retain
25 existing healthy trees and to integrate trees in landscape

1 plans into the development of all property in this State.

2 (b) A tree preservation plan prepared by a registered
3 arborist or landscape architect indicating the location,
4 species, size, and condition of existing trees shall be
5 submitted in conjunction with all applications for approval to
6 the Department. The tree preservation plan shall indicate the
7 location of the trees to be preserved and the methods which
8 will be used to preserve the trees. Preservation equipment or
9 material shall be in the plan before construction may begin.

10 Section 25. Preservation methodology. The methods proposed
11 to preserve trees shall be clearly specified on the applicant's
12 tree preservation plan. If the necessary precautions are not
13 undertaken, all work on the site shall cease immediately until
14 appropriate measures have been taken. Failure to institute and
15 observe tree preservation techniques shall constitute a
16 violation.

17 Section 30. Replacement tree requirements. The replacement
18 of trees shall meet the species and size requirements in this
19 Section.

20 (1) Deciduous trees designated for preservation which are
21 destroyed or severely damaged shall be replaced with a new tree
22 at a rate of 3 inches in caliper to each one inch of removed
23 tree. All fractions of an inch shall be rounded up.

24 (2) Coniferous trees designated for preservation which are

1 destroyed or severely damaged shall be replaced with a new tree
2 at a rate of 3 vertical feet for each one foot of removed tree.
3 All fractions of an inch shall be rounded up.

4 (3) Deciduous replacement trees shall be a minimum trunk
5 size of 2 and one half inches in diameter as measured 12 inches
6 above established grade. Any combination of tree sizes
7 measuring 3 inches in diameter or larger may be used for tree
8 replacements. For example, one 18 inch tree may be replaced by
9 3 four-inch trees and 2 three-inch trees.

10 (4) Coniferous replacement trees shall be a minimum height
11 of 6 feet. Any combination of tree sizes 6 feet in height or
12 greater may be used for tree replacement in a manner similar to
13 that for deciduous trees

14 (5) Species of replacement trees shall be submitted in the
15 applicant's tree preservation plan to the Department.

16 Section 99. Effective date. This Act takes effect January
17 1, 2020.