

Retention and Protection of Trees

Protected Trees. The City has provided to Cove Preservation a tree survey (the “City Tree Survey”) identifying and locating on the Property all of the Protected Trees (herein so called).

Retention of Trees.

Only two trees will have to be removed to accommodate the development proposed by Cove Preservation. The Property Layout at **Tab 2** locates every tree that was included on the City Tree Survey, and identifies by tree inventory number the two trees which are to be removed. The trees to be removed are number 6387 (19” Live Oak, Fair condition) and number 6362 (20” Live Oak, Fair condition).

Protection of Trees.

During the development of Cove Pointe subdivision, Cove Preservation will comply with the Tree Protection Plan included on the following pages at this Tab 4. Please note that the Cove Pointe Tree Protection Plan protects the Protected Tree a distance of one foot from the trunk of the tree for each one-inch of diameter, and further call for the use of directional boring to protect tree roots. The Cove Pointe Tree Protection Plan is modeled after the Panama City Land Development Code, except that the Panama City Land Development Code provides a different definition of “tree protection zone.” To the extent that the differences in these definitions result in conflicting requirements, Cove Preservation will comply with such conflicting requirements as directed by the City of Panama City.

Additional Considerations.

Each of the shareholders of Cove Preservation, many of whom live in the Cove, fervently believe that the preservation and retention of the mature, beautiful trees on the Cove Gardens Property is critical to the harmonious integration of what will essentially be a new development into an old and historic neighborhood. It is for this reason that Cove Preservation has gone beyond subdivision design and construction measures which maximize tree retention and protection, and addressed the issue (although not required by the RFP) of the impact on trees of subsequent homesite improvements. Cove Preservation proposes to impose restrictions on the Property which will insure that design, placement and construction methods of homesite improvements in Cove Pointe maximize retention and protection of trees. In this regard, please see the following sections highlighted in green in the Declaration and the Design Guidelines found at Tab 5:

Section 10.25	Section DG.4.2
Section 11.93	Section DG.6.5
Section DG.2	Section DG.17
Section DG.4.1	

Cove Point Tree Protection Plan

1. Protection of Trees During Development Activities.

A. Generally. To assure the health and survival of Protected Trees, no person shall engage in any activity that would result in injury to any tree from the following causes:

- (i) Mechanical injuries to roots, trunk and branches;
- (ii) Injuries by chemical poisoning;
- (iii) Injuries by grade change;
- (iv) Injuries by excavation;
- (v) Injuries by paving;
- (iv) Any other avoidable consequence that may cause or contribute to tree injury.

B. Tree Protection Zone. A circular tree protection zone shall be established around each Protected Tree. The Tree Protection Zone (herein so called) shall be that area within a radius around the tree measured by one foot from the tree trunk for every one-inch of trunk diameter.

C. Development Prohibited Within the Tree Protection Zone. All development activities, except those specifically permitted by paragraph E below, shall be prohibited within the Tree Protection Zone of any Protected Tree. This prohibition shall include vehicular parking and storage of materials within the Tree Protection Zone.

D. Fencing the Tree Protection Zone. Prior to the commencement of construction, Cove Preservation Partners, Inc., the developer, shall enclose the entire Tree Protection Zone within a fence or similar barrier as follows:

- (i) Wooden or similar posts at least 1.5 x 3.5 inches shall be implanted in the ground deep enough to be stable and with at least three feet visible above ground.
- (ii) The protective posts shall be placed not more than six feet apart and shall be linked together by a rope or chain.

E. Permitted Activities Within the Tree Protection Zone.

- (i) Installation of utilities using directional boring to protect tree roots (excavation shall be tunneled).
- (ii) Sodding and ground cover. Placement of sod or other ground covers including ground surface preparation for such covers.
- (iii) The clearing of a path for and the installation of the new road right-of-way; the width of which shall not exceed the right-of-way standards for the applicable roadway type as established in the Panama City Land Development Code.