Tree Preservation, Removal and Mitigation

Issue No.	Issues	Current Terms	Proposed Terms	Relevant UDC Section(s)
TP.01	Consider establishing a threshold for identifying which multi-trunk trees must be included on a survey based on the DBH of the largest trunk.	On non-residential projects, a tree survey is required to include any tree 12 inches + in diameter.	Change the tree survey requirement on non-residential projects to require all trees 12 inches + in diameter except for the excluded species. • Hackberry • Chinaberry • Ashe Juniper (cedar) – includes Mountain Cedar • Chinese Tallow • Mesquite Include educational material in the Development Manual on how to measure trees. Codify terms for calculating the multi-trunk diameter of a tree (refer to TP.05).	8.05.010.A.1 and 8.05.020.A.1
TP.02	Consider adding a definition for tree branch and tree trunk.	No definition of the word trunk.	Define Trunk as in Random House Webster's Unabridged Dictionary, 2nd Addition as adopted by UDC 1.06 & 16.01: **Trunk** – the main stem of a tree, as distinct from the branches and roots. Include definitions for branches and roots **Branch –** a shoot or stem arising from the trunk. **Root** – The usually underground portion of a plant that lacks buds, leaves, or nodes and serves as support, draws minerals and water from the surrounding soil, and sometimes stores food.	16.02
TP.03	Consider adding a definition for "hardwood" and "softwood" trees as some might have different interpretations.	The UDC makes no reference to "hardwoods" or "softwood". Heritage Trees may only be trees of the following species. Protected Trees are any species of tree 12" or greater in diameter, save for the excluded species.	Continue to not use terms "hardwood" or "softwood" Do not add or subtract to current list of Heritage Tree Species. Continue to allow Protected Trees to be of any species, except for the excluded species, to allow maximum credit for various types of shade trees and ornamental trees.	N/A

Issue No.	Issues	Current Terms	Proposed Terms	Relevant UDC Section(s)
TP.04	Exclude all cedar (ash-juniper and mountain cedar) trees from the protected trees definition.	Cedar is among the UDC list of excluded trees. These include: - Hackberry - Chinaberry - **Ashe Juniper (cedar)** - Chinese Tallow - Mesquite	Maintain current UDC list of excluded trees.	8.02.020.A and 16.02
TP.05	Consider excluding ornamental trees from the definition of protected trees.	Ornamental trees are allowed to count as credit trees for mitigation and as existing trees for landscaping requirements.	Establish a ratio based on the size of largest trunk that is specific to ornamental trees, where all additional trunks will be considered at half the largest inch trunk size.	8.02.040.C.2.a.i
TP.06	Clarify applicability of City approval for the removal of protected trees within a right-of-way or public utility easement and assessment of mitigation fees.	Heritage Trees Protected in the ROW need no review for pruning when done by a certified arborist for work being conducted by a public utility provider. Heritage Trees may be removed with approval of the Urban Forester. Protected Trees are not included under this exemption. Mitigation is required for any tree removed.	Continue current practices for Heritage Trees. Allow Protected Trees to be removed at the discretion of the Urban Forester. Make provisions to include it under the current Heritage Tree Removal Permit. Rename "Heritage Tree Removal Permit" to "Tree Removal Permit". The trimming of any Protected or Heritage Tree within a public right-of-way or public utility easement within the municipal limits of the City per Sec 12.08 of the City Code (adopted Oct 27, 2020).	3.23, 8.02.030.B.3

Issue No.	Issues	Current Terms	Proposed Terms	Relevant UDC Section(s)
TP.07	Consider requiring a Tree Inventory for new projects and phased projects whose surveys need to be update after 5 and 10 years.	Tree Inventory is only encouraged, not required.	Require the Tree Inventory when existing trees are to be credited toward tree mitigation requirements Require the Tree Inventory when a residential project is proposed to be planned and constructed in three or more phases. Require the Tree Inventory when a master planned development is to be established under a Planned Unit Development or Development Agreement. Require the tree inventory when alternative tree standards are being requested through a Planned Unit Development, Development Agreement, or Subdivision Variance. Require tree surveys to identify if a tree is infected with oak wilt if deceased. Tree Inventory = species, size, disease and type of disease, health of tree, % of canopy cover	8.05.010.A.1 and 8.05.020.A.1
TP.08	Consider prioritizing the preservation of protected trees to allow flexibility in site design elements (I.e. parking layout, monument sign location). Clarify the existing process for Heritage Trees.	To protect a Heritage Tree any of the following may be varied: • Setbacks • Lot design standards • Building heights • Sidewalks • Lighting • Signage • Parking • Drainage criteria • Connectivity • Driveway separation • Utility extension Protected Trees may take priority over design and construction of public sidewalks Alternative Standards shall be approved by the Director for administrative applications and by P&Z for applications under their approval.	Maintain list of possible alternatives for Heritage Trees and expand the same list to Protected Trees or stands of Protected Trees with a cumulative DBH of at least 20" or more. • Setbacks • Lot design standards • Building heights • Sidewalks • Lighting • Signage • Parking • Drainage criteria • Connectivity • Driveway separation • Utility extension Alternative standards shall be approved by the Director under the provisions for an Administrative Exception.	3.16.020.C and 8.02.050.B.

Issue No.	Issues	Current Terms	Proposed Terms	Relevant UDC Section(s)
TP.09	Consider establishing boundaries for calculating protected and heritage trees on projects (i.e. floodplain, ROW, Limit of Construction, Phase or Section specific)	Existing trees within the entire project boundary (including floodplain or ROW dedication) can be credited toward the existing trees remaining.	All trees within a property that has a floodplain may be considered for tree preservation and mitigation credit. • Trees within the floodplain may be counted as credit trees for purposes of tree mitigation • Credit trees preserved within the developable area may be counted at a higher ratio of 2:1 No trees shall be considered existing trees if located in an area proposed for right-of-way dedication/reservation where no public improvements are required to be constructed as a part of the scope of work.	8.02.030.F and 8.02.040.C.2.a.ii
TP.10	Consider requiring additional information on the health of a protected and heritage tree to address disease control issues as it relates to tree preservation.	Health information is only encouraged, not required.	Require Tree Inventory to learn the health of a tree. Tree Inventory = species, size, disease and type of disease, health of tree, % of canopy cover	8.05.010.A.1 and 8.05.020.A.1
TP.11	Consider additional options for tree mitigation.	Divide Protected Trees into two classes: 	Tree Size	Mitigation Fee
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Protected (12" +)	$150
Heritage (26" +)	$200		Divide Protected Trees into three classes: | Tree Size	Mitigation Fee
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Protected (12" – 18")	$125
Protected (18" +)	$175
Heritage	$225	 Removals in excess of the number of trees allowed to be removed = standard mitigation plus 50% Clarify that mitigation by "On-Site Replacement Trees" shall first be considered foremost, within site feasibility limitations, before other mitigation options. Developer shall provide a letter of intent which identifies the project trigger for when mitigation plantings are to be installed. • City will draft standard language to be included with letter of intent to address review of plantings and refund of mitigation fees paid, in whole or in part, following verification of on-site mitigation plantings.	8.02.030.E.2.b, 8.02.040.C , 8.02.040.C.4.b and c, 8.05.010.A.3, and 8.05.020.A.4

Additional Topics (Directed by City Council March 9, 2021)

Issue No.	Issues	Current Terms	Proposed Terms	Relevant UDC Section(s)
TP.11.1	Consideration of trees smaller than 6-inches in diameter as credit trees for tree mitigation.	Currently, developers of non-residential projects (commercial, industrial, multi-family, etc) are required to mitigate for the removal of Protected trees. If the developer saves trees of a certain size on the site, these trees can be used as credit to offset their mitigation requirements. Today, the UDC requires that these trees be between 6-11 inches in diameter at breast height (BDH).	The proposed changes to the ordinance would allow a developer to receive credit for trees they save that are smaller than 6 inches, but no smaller than 3 inches DBH, provided the following standards are met: • The trees are a variety of shade tree; • Trees shall must meet the locational requirements (i.e. undisturbed areas, not in areas planned for future development or utility extension, etc.); • Trees shall be in good health and part of a larger a tree stand; • Trees full Critical Root Zone shall not be impacted from construction; and • Trees may be counted at a reduced mitigation ratio of 0.5:1 inch ratio.	8.02.040.C.2
TP.11.2	Consideration of trees planted in residential lots as credit trees for the purposes of tree mitigation.	Under the current standards for tree mitigation residential (single-family and two-family) subdivisions are required to mitigate for any Heritage Trees that are removed. There is no mitigation required for Protected Trees. These residential subdivisions can mitigate for the removed Heritage Trees by: • Planting on-site in common areas (open space lots, HOA facilities, public parks, right-of-way, etc.) • Aeration/Fertilization treatment on existing Heritage Trees • Fee-in-lieu payments into the Tree Fund • Off-site planting in a City park or GISD site.	The proposed changes would allow developers to receive mitigation credit for their removed Heritage Trees under the following terms: • The trees planted are at least 3-inches in diameter and planted to all installation requirements of UDC 8.06 • Common areas are planted to their fullest extent • Credit shall only be given for trees planted above the min. landscaping requirements for a residential lot. • Trees must be spaced a minimum of 15-feet on center from other trees and the ½ CRZ of each tree cannot be encroached. • Credit may only be given at a 0.5 to 1.0 ratio. • Credit will only be given for trees planted on lots that are subject to Residential Building Permits.	8.02.040.C.3

Issue No.	Issues	Current Terms	Proposed Terms	Relevant UDC Section(s)
TP.12	Consider altering the situations in which required landscaping trees can be removed – specifically related to signage.	Removed trees and mitigate for the size and species of the tree. Mitigation trees must be planted along the same side of the building or parking lot.	Remove and replace with a tree or trees that will reach a similar size as the removed tree. • Grouping replacement tree(s) within the same required planting area where feasible (street yard, parking lot, gateway buffer, etc.) • Trees must be planted so that they will not impede signage visibility in the future	8.06.060