



Item Brief

Meeting Date

March 11, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-16: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE PAYMENT OF A FEE IN LIEU OF TREE PRESERVATION/MITIGATION FOR HILLTOP OAKS SUBDIVISION

Information

Code of Ordinances, Section 98-22, requires a subdivision plat applicant to submit a tree survey to identify all significant trees eight caliper inches or larger ("significant trees"). The intent of the code is to preserve as many significant trees as possible. Alternatively, the code allows the developer to mitigate the removal of significant trees which are eighteen caliper inches at a ratio of two caliper inches for each caliper inch removed.

The proposed Hilltop Oaks Subdivision is a single-family subdivision which the preliminary plat was approved by City Council in July of 2023. The submitted tree survey shows the development to have a total of 14,678.5 caliper inches of significant trees throughout the entire subdivision. In the approved construction plans, the Hilltop Oaks Subdivision will be removing a total of 3,151 caliper inches of significant trees; of that, 499 caliper inches are eighteen caliper inches or larger.

Due to the amount of trees remaining, the applicant represents it is impractical to plant mitigation trees and has requested to pay a fee in lieu of mitigation. Although the Code does not address payment of a fee in lieu, there is precedent for accepting a fee in lieu of mitigation when Council approves.

Staff Analysis

The applicant has submitted a proposal (Exhibit "A") to pay a fee in lieu of mitigation an amount equal to \$28,950.00. This is an amount based on their experience with other Central Texas Hill Country cities where they are responsible for the removal of trees eighteen caliper inches and larger.

In November 2024, staff presented a similar request for a fee in lieu of tree mitigation in which it was proposed to pay \$100.00 per caliper inch for the removal of significant trees

twenty-four inches (24") or greater. To maintain consistency for future projects, staff recommends the applicant be responsible for paying \$100.00 per caliper inch for the removal of 124 caliper inches of trees that are twenty-four inches or larger.

Fiscal Impact

The fee in lieu of is a one-time payment. Depending on City Council action, the amount would be either the applicant's proposed \$28,950.00, staff's recommended \$12,400, or as otherwise determined by the Council.

Recommendation

Staff recommend approval of Resolution R2025-16 as presented.

Exhibit "A" – Applicant's Proposal



204 Escalera Parkway, Georgetown, Tx 78628
sbassari@capitalengineeringtx.com
Firm Registration No.: F-7819

Date: February 28, 2025

Re: Hilltop Oaks Subdivision

City of Burnet
Leslie Kimbler, Planning Manager

Dear Leslie,

The Hilltop Oaks subdivision has a very dense tree covering the entire site, and after some of the trees are removed for construction, the proposed 92 lots will still be heavily covered with mature trees. The estimate of trees that are to be removed is 2,830 inches of trees between 8 inch and 18 inch diameter, and 321 inches of trees between 18 inch and 30 inch diameter. In several of the Central Texas hill country cities, (e.g. Leander, Cedar Park, etc) 50% of trees between 8 inches to 18 inches can be removed without mitigation. The other 50% can be removed and either replaced by newly planted trees or the removal mitigated by a fee in lieu of replacement.

Using that common formula, only 1415 inches of trees between 8 inch and 18 inch diameter, and 642 inches of trees between 18 inch and 30 inch diameter (the required doubling of the actual 321 inches) will need to be mitigated; a total of 2057 inches. As a result, we agree to require the future builders of homes on these 92 lots to plant three 4 inch diameter trees on each lot, which will equal 1104 inches of replacement. The remainder of trees 953 inches (2057 - 1104 = 953 inches) are to be mitigated with a fee of \$28,950.00 (953 inches x \$30.00 per inch).

We request the city to approve this mitigation plan which will assist us in creating this extremely affordable housing development for the benefit of Burnet area homebuyers.

Your time and consideration of this mitigation plan is greatly appreciated.

Respectfully,

A handwritten signature in blue ink that reads "Saeid Bassari".

Saeid (Sid) Bassari, P.E

cc: David L Bowen, Hilltop Oaks, LLC

RESOLUTION NO. R2025-16

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS, AUTHORIZING THE PAYMENT OF A FEE IN LIEU OF TREE
PRESERVATION/MITIGATION FOR HILLTOP OAKS SUBDIVISION**

WHEREAS, City Code Section 98-22 requires a subdivision plat applicant to, in the development of his or her project, preserve trees within the subdivision that are eight caliper inches or larger (“significant trees”); and

WHEREAS, alternatively, the Code Section allows the developer to mitigate the removal of significant trees by planting trees at a ratio of one caliper inch per each caliper inch removed, except in cases of significant trees being eighteen caliper inches the ratio is two caliper inches for each caliper inch removed;

WHEREAS, the Hilltop Oaks Subdivision is a single-family subdivision approved for development within the City of Burnet; and

WHEREAS, as part of the preliminary plat application, the applicant provided a tree survey; and

WHEREAS, the applicant has proposed to remove 124 caliper inches of significant trees twenty-four caliper inches or greater; and

WHEREAS, the applicant represents it is impractical to plant mitigation trees and requested to pay a fee in lieu of mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BURNET, TEXAS, AS FOLLOWS:

Section One. Findings. The recitals set out above are hereby approved and incorporated herein for all purposes.

Section Two. Approval. The request to pay \$100.00 per inch for the removal of significant trees twenty-four inches or greater is approved.

Section Three. Authorization. The City Manager is hereby authorized to accept payment in the amount of \$12,400.00 from the applicant as a fee-in-lieu of the tree mitigation required for the Hilltop Oaks Subdivision; and apply such funds for the enhancement of vegetation around the city. The City Manager is further authorized to execute such instruments and take such actions as may reasonably be necessary to facilitate the purpose of this resolution. However, nothing in this resolution shall prevent the applicant from opting to mitigate the removed trees as authorized by the City Code rather than paying the fee-in-lieu to fulfill his obligation under the City Code.

Section Four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section Five. Effective date. This resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED on this the 11th day of March 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary