



Item Brief

Meeting Date

November 12, 2024

Agenda Item

Discuss and consider action: Approval of Resolution R2024-83: L. Kimbler

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

Information

Code of Ordinances, Section 98-22, requires a subdivision plat applicant to submit a tree survey to identify all 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 Springside Estates Subdivision is a single-family subdivision for which the preliminary plat was approved by City Council in November of 2023. The submitted tree survey shows the development to have a total of 12,459 caliper inches of significant trees. According to the approved construction plans, the Springside Estates Subdivision will remove 431 caliper inches of significant trees which are eighteen caliper inches or larger.

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 planting trees, there is precedence for accepting a fee in lieu of mitigation with Council approval. Due to the significant amount of caliper inches required to be mitigated, the applicant is proposing to pay a fee of \$100.00 per caliper inches for the removal of significant trees twenty-four inches or greater.

Fiscal Impact

The fee-in-lieu payment would be Thirty-five thousand, three hundred and 00/100 dollars (\$35,300.00).

Recommendation

Staff recommends approval of the request to pay a fee of \$35,300.00 in lieu of tree mitigation and resolution R2024-83 as presented.

RESOLUTION NO. R2024-83

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

WHEREAS, City Code Section 98-22 requires a subdivision plat applicant, in the development of their project to 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 where significant trees are eighteen caliper inches or larger, in which case the ratio is two caliper inches for each caliper inch removed;

WHEREAS, Springside Estates 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 353 caliper inches of significant trees that are twenty-four caliper inches or greater; and

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

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

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 that are twenty-four inches or greater is approved.

Section Three. Authorization. The City Manager is hereby authorized to accept payment in the amount of \$35,300.00 from the applicant as a fee-in-lieu of the tree mitigation required for the Springside Estates Subdivision and to 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 their 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 12th day of November 2024.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary