

# City of Burnet City Council



## Item Brief

### **Meeting Date**

April 22, 2025

### **Agenda Item**

Discuss and consider action: Resolution No. R2025-30: 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 DELAWARE SPRINGS SUBDIVISION, SECTION 25

### **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 or larger, at a ratio of two caliper inches for each caliper inch removed.

The proposed Delaware Springs Subdivision, Section 25 is a single-family subdivision for which the preliminary plat was approved by City Council in April of 2024. The submitted tree survey shows the development to have a total of 3,722 caliper inches of significant trees throughout the subdivision. In the approved construction plans, the Delaware Springs Subdivision, Section 25 will be removing a total of 885 caliper inches of significant trees with only 56 caliper inches being eighteen (18) caliper inches or larger and zero of those being twenty-four (24) inches or larger.

Due to the number 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 precedence for accepting a fee in lieu of mitigation, for the removal of trees 24 inches or larger, when approved by Council. Given that the applicant is not removing any trees with a caliper of 24 inches or more, they are seeking approval to forgo mitigation requirements and to waive the fee in lieu of tree mitigation.

### **Fiscal Impact**

The fee in lieu of payment would be \$0.00.

**Recommendation**

Staff recommends approval of the request to forgo mitigation requirements and to waive the fee in lieu of tree mitigation and Resolution No. R2025-30 as presented.

## **RESOLUTION NO. R2025-30**

### **RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE PAYMENT OF A FEE IN LIEU OF TREE PRESERVATION/MITIGATION FOR DELAWARE SPRINGS SUBDIVISION, SECTION 25**

**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 or greater, in which case the ratio is two caliper inches for each caliper inch removed;

**WHEREAS**, the Delaware Springs Subdivision, Section 25 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 zero 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 forgo mitigation requirements and to waive the fee in lieu of tree 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 forgo mitigation requirements and to waive the fee in-lieu of tree mitigation is approved.

**Section Three. Authorization.** The City Manager is 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 22<sup>nd</sup> day of April 2025.

**CITY OF BURNET, TEXAS**

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Gary Wideman, Mayor

**ATTEST:**

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Maria Gonzales, City Secretary