

Fair Oaks Ranch Tree Preservation WorkShop



Purpose

- Review our current Tree Ordinances
- Overview of what other municipalities have adopted
- Discuss possible Tree Ordinance updates

Fair Oaks Ranch

Current Tree Ordinances



Unified Development Code:

8.8 Tree and Habitat Protection

Purpose: *Conserve, protect and enhance trees to preserve the overall quality and environment of Fair Oaks Ranch.*

Applies to: New residential and nonresidential **development or redevelopment.**

Does not apply to private property

Exemptions to Tree Removal

Permitting: Trees located within 10 ft of building footprint; locations for onsite sewage facilities; areas required for site access

Preservation Exemptions: Trees located in the Right-of-Way, Trees located in easements

Tree Plans/ Heritage Plans

Tree Plans are required for new construction which identifies location, species, and size of trees with a **trunk circumference of ~28 inches** or larger on site. It shall designate all trees proposed for removal and describe protection measures for remaining trees.

Diameter:
~9 inches or more

Diameter:
~24 inches or more

Heritage Plans are required for all trees on site that have a **trunk circumference of ~75 inches** or more

Unified Development Code:

8.8 Tree and Habitat Protection

It is unlawful to remove or destroy any trees with a **Trunk Circumference (TC)** of 28 inches or more located on property pursuing new development, a plat, or infrastructure improvements within the city limits or ETJ without submitting a **Tree Plan** to City Staff.

Removal/Mitigation for Protected Trees:

Developers are encouraged to preserve trees wherever possible.

Protected trees (circumference of 28 in. or more) must be mitigated as a 1:1 TC

example: Two 30 TC trees are to be removed; site total = 60 TC inches removed.

Six trees with a TC of 10 inches each must be planted.

A **Heritage Plan** is required to be reviewed and approved by the Planning and Zoning Commission and City Council prior to any construction activity that is likely to endanger a Heritage Tree, TC 75 inches or larger.

Removal/Mitigation for Protected Trees

Heritage trees may not be removed unless:

Tree is sick/diseased; Tree is within the footprint of exempted areas; or if removal is approved by City Council after P&Z Consideration

Heritage Tree mitigation must additionally follow 1:1 TC ratio

Public & Private Property

Article 1.07 Div. 2: Tree Maintenance

- Oak Tree trimming is disallowed between February 1st thru June 31st
- All wounds shall be painted after trimming, cutting, or pruning
- Any oak wilt treatment performed in the city limits must be reported to the City
- Red Oaks are prohibited as new plantings
- All contractors performing tree maintenance within the city limits must register
- Registration is good for 1 year after issuance
- All contractors must abide by the Oak Wilt Ordinance



Overview of what Other Municipalities Have Adopted



Boerne

Tree Preservation Ordinance



Unified Development Code:

Chapter 8.3 Tree Preservation

Applies to **all existing and new development** of residential, industrial, commercial, and institutionally zoned property, land clearing, trenching or excavating, etc.

Tree Preservation

Preservation requires a **percentage of total trees** on property to be saved based on zoning

Zone	Standard & Legacy	Heritage
Commercial & Multi-family	40%	**100%
Single-family & Residential	*35%	**100%
*excludes the land used to install infrastructure **Heritage Trees removed for installing infrastructure must be mitigated		

Mitigation

- If minimum tree preservation requirements are not met, trees shall be planted (based on trunk circumference inches) until preservation percentage is met
- If all or a portion of replacement trees will not be planted, a fee may be paid to the Tree Restoration

Tree Classification	Tree Diameter Removed (DBH)	Tree Planting: Aggregate TC in inches of trees removed	Mitigation Fee per inch (TC) of tree removed
Standard	8.0"-11.9"	1:1	\$50
Legacy	12.0"-23.9"	1.5:1	\$100
Heritage	>24.0"	3:1	\$200

Tree Species Exceptions: Hackberry, Sugarberry, Chinese Tallow, Eastern Red Cedar, Ashe Juniper < 10" DBH, Chinaberry, Mesquite, Huisache and Ligustrum

Tree Preservation



UDC: Chapter 8.3 Tree Preservation & Code of Ordinances Chapter 2 & 16

Public

It is unlawful for anyone to intentionally uproot, damage or remove any tree, shrub or planting on public land

General maintenance and upkeep of public lands is the responsibility of the City

Oak Wilt

Oak Tree Trimming prohibited between February 1st thru July 1st

Wounds must be painted immediately

Verified infected Red Oak Trees must be removed by the property owner.

Red Oaks are prohibited as new plantings



Bulverde

Tree Preservation Ordinance



Article 17.06 Tree Preservation

Applies to all land within the city Limits and ETJ. **Does not apply to** *platted lots for single family residence* (Builders subject to requirements during construction phase); *single-family residences on unplatted parcels larger than 4 acres.*

Tree Removal

Tree Permit required prior to any tree removal

No **Historic Trees** shall be removed*

No **Majestic Trees** shall be removed without an application to be approved by City Council*; trees removed must be mitigated at a 3:1 ratio

Total Tree Removal from site may not be more than 60% of total caliper width of all Protected, Specimen, Majestic or Historic Trees

All tree removal shall be replaced

**Unless tree meets certain removal exceptions*

Tree Replacement

Tree Type	Single Trunk Caliper	Replacement
Protected	6 inches or more	5x caliper inch removed
Specimen	Greater than 24" or 50% of state champion specimen in Big Tree Registry, whichever is less	10x caliper inch removed
Majestic	Greater than 36" or 75% of state champion specimen in Big Tree Registry, whichever is less	15x caliper inch removed
Historic	A tree of notable historic interest or value. Designation by City Council or County Commissioner's Court	15x caliper inch removed

Bellaire

Tree Preservation Ordinance



Chapter 9 Article XI. - Trees

Applies to **construction related instances** which requires a Tree Deposition Permit such as new construction, remodeling, demolition or lot clearing

Tree Permit / Replacement

Tree permits are required for the removal of trees over 4-inch diameter

Trees removed may not need to be replaced UNLESS remaining trees on site do not meet the minimum lot requirement:

	Front Yard	Back Yard
Lots \leq 80 ft in width	3	2
Lots \leq 60ft in width	2	1
Lots > 59 ft in width	1	1

Institutional Property

Trees on **existing** institution property may only be removed if:

- trunk size is below a 4 inch diameter
- Species is considered “undesirable”



West University Place

Tree Preservation Ordinance



Chapter 82 - URBAN FOREST PRESERVATION AND ENHANCEMENT

Public

Maintenance and Ownership, and inventory responsibility of trees in public spaces is the Forestry Department

Funds donated to the West University Tree Fund is used to plant trees within the city limits

Application for Tree Removal

For pre-development or construction activities:

- Trees with a diameter of 10 inches or more.

For all other instances:

- Trees with a diameter of 12 inches or more
- Trees located in a front yard, side street yard (of corner lots), or in a ROW that is 10 inches or larger

Replacement Trees must be at least 2 diameter inches. If 10 diameter inches removed, at least one 4-inch tree (or 100 gallon tree) is required to be planted

Tree Replacement

Tree inches removed from site shall be replaced with the same amount of tree diameter inches

If replacement cannot be reasonably planted on site, the new planting can be placed or maintained within 1,000 feet offsite **OR** a monetary donation can be made to the West University Tree Trust

Current Rate: \$250 per diameter inch and \$2,000 per 4-inch tree

Suggested Tree Ordinance Updates



Public Property

*Any lands owned by
the City such as
Parkways, Rights-of-
Ways, City Campus,
etc.*

Adopt an
ordinance that
protects trees on
Public Lands

The City is seeking Tree City USA acknowledgement from the Arbor Day Foundation

One of the 4 criteria needed to qualify is a Public Tree Ordinance

Ordinance Requirements:

- Assigns Authority over Public Trees
- Provides clear guidance for the planting, maintaining and/or removal of trees in public spaces
- Must be effective 24/7 – not triggered by landscaping or development processes



Private Property

*Residential or
Commercial land of any
acreage.*

Adopt an
ordinance that
protects trees on
already developed
land

Require a Tree Preservation Plan for the removal of trees on private lands

Implement a permit process to remove any Protected Tree
(28in circumference/ 9in diameter)

Disallow the removal of any Heritage Tree (75in circumference/ 24in
diameter) without P&Z and City Council Approval

Permit shall require mitigation of all circumference inches removed in a 1:1
TC ratio

Trees planted for mitigation shall be planted on site; if unable to replant on
site, trees may be planted at a different location with city approval

Exceptions:

- *Trees located within 10 ft of building footprint (new or existing)*
- *Trees located within the footprint of a permitted project*
- *Diseased or Dead Trees*
- *Exempted Tree Species - Hackberry, Chinaberry and Ligustrum or Ashe Juniper and Mesquite under 48 diameter inches*

Penalties & Enforcement

For unauthorized removal / destruction of trees with a 9-inch diameter or above on public or private land

The City has the right of inspection for properties removing trees

Actions deemed as violations to Proposed Ordinance:

- Tree removal without a Permit
- Tree removal inconsistent with Permit
- Violation by Act of Omission

Penalties:

Fine may be issued for the unauthorized removal of trees;
Property Owners may have the opportunity to remedy the fine cost by mitigating at a 1:1 TC ratio

OR

Property Owners may submit a request for appeal

other options up for discussion

Other Topics for Discussion

Create an Oak Wilt Fund

- Property Owners with confirmed oak wilt on their property could receive a rebate from the city for treatment
 - Oak Wilt must be confirmed and treated by a Certified Arborist
 - Proof of Treatment must be provided to receive rebate
- Allows Property Owners to be proactive in treating Oak Wilt. Provides some financial relief if cost of treatment is out of budget
- Fund would be established through City Ordinance, but amount available for rebates would be included in the Annual Fiscal Budget

Donation in lieu of Replanting

- If unreasonable to replant trees on site, a donation can be made to the City for any tree with a diameter of 12 inches (~37in circumference) or less; these funds would go toward helping treat oak wilt

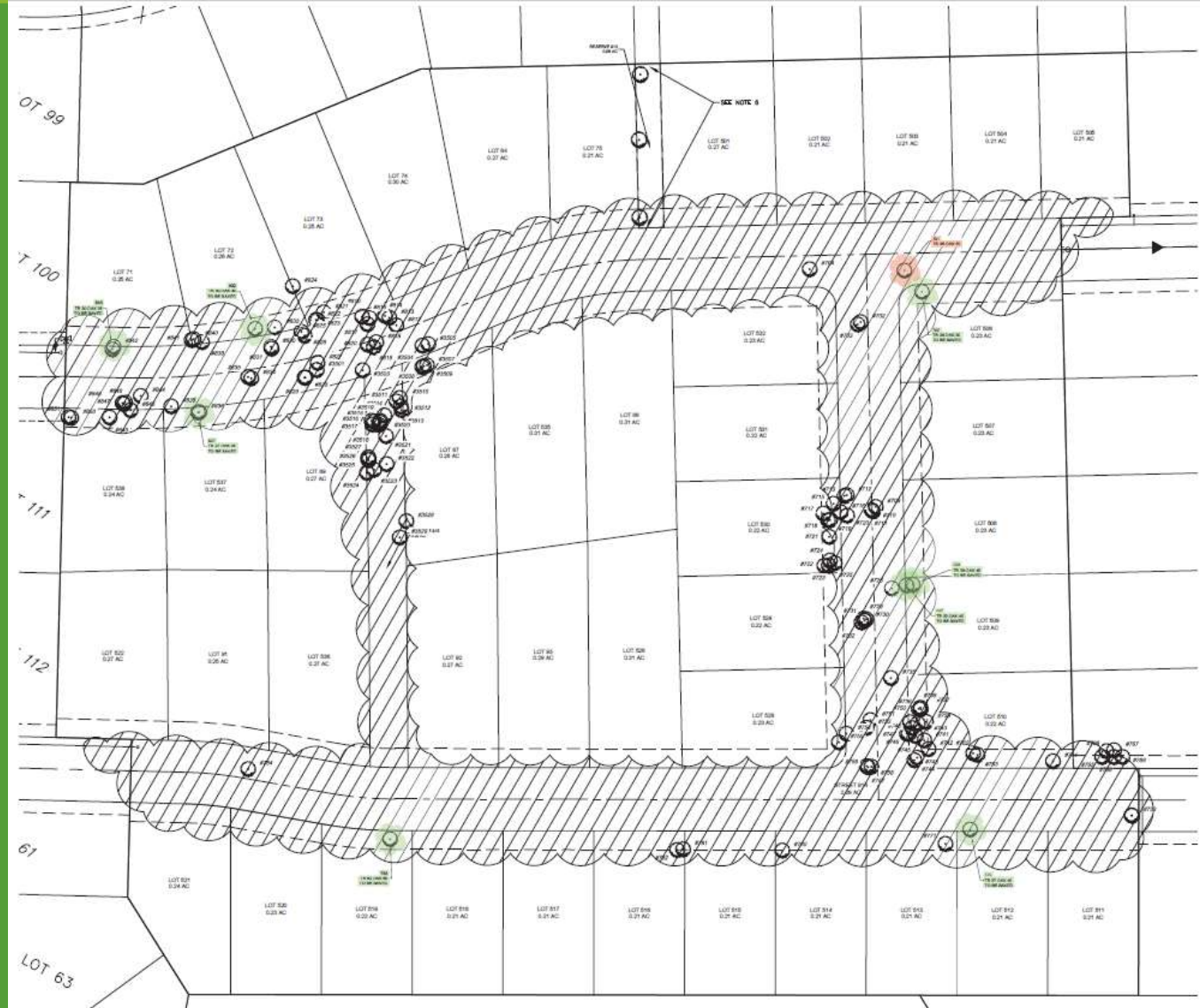
Need for additional Man-Power

- Many cities who have similar tree ordinances have staff dedicated to Urban Forestry.
- An additional position may need to be created to fulfill the added responsibility

Topics for Discussion

Possible Impact to Property Owners

Currently, only infrastructure development is required to provide Tree Preservation Plans. By passing a private property ordinance, each lot with trees that meet the criteria would need to submit a Tree Plan for review by city staff and/or by Council prior to any building or lot preparation to commence.

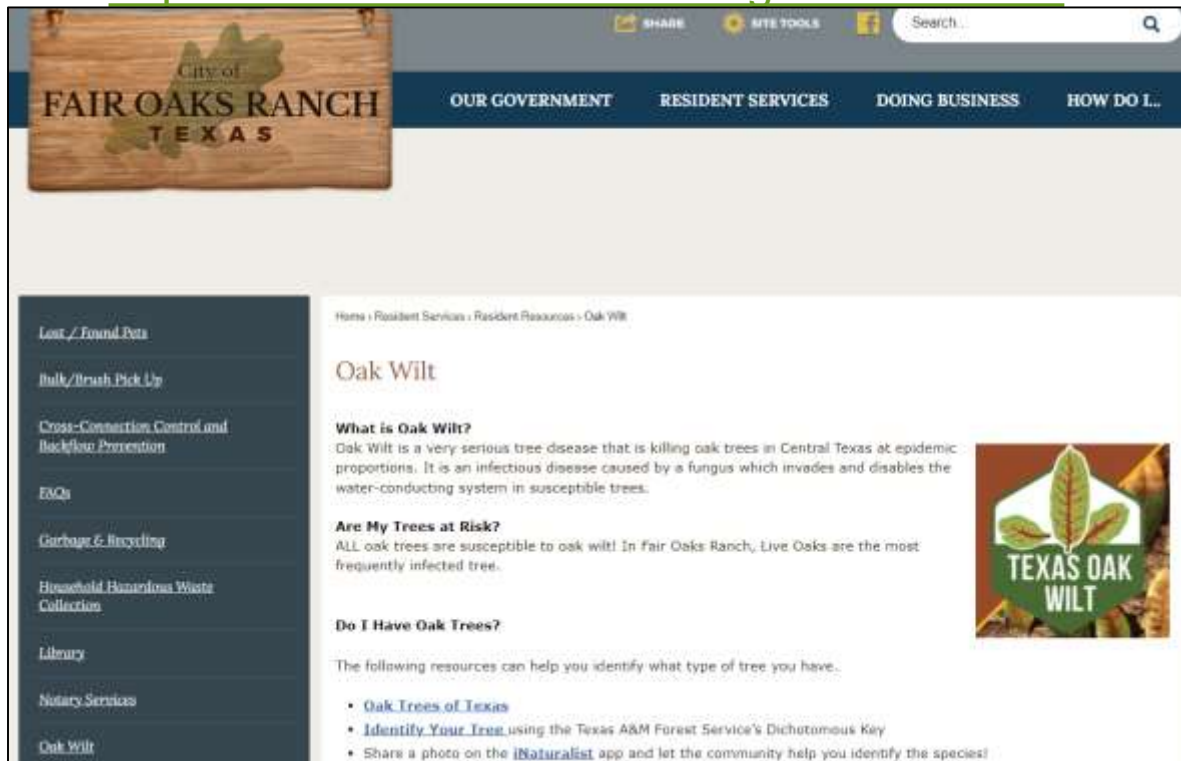


Oak Wilt Information & Resources

For more information regarding Oak Wilt or to see the update Oak Wilt Map for Fair Oaks Ranch:

Resident Services / Oak Wilt

<https://www.fairoaksranchtx.org/163/Oak-Wilt>



Texas A&M Forest Services has additional information and resources: <https://texasoakwilt.org/>

Texas Oak Wilt Suppression Program

Texas A&M Forest Services also offers Cost-Share Assistance for landowners to help minimize the spread of Oak Wilt.

More information can be found at:

Get Help / Oak Wilt Cost-Share Assistance

<https://texasoakwilt.org/getting-help/oak-wilt-cost-share>



**Questions?
Thoughts?
Suggestions?**



Back Up Slides

Sentinel Landscape

Supporting the Camp Bullis Sentinel Landscape designation helps sustain the military mission by promoting compatible land use around the JBSA training area.

- Aid in protecting existing, mature trees. Helps protect the natural landscape
- *Supports the goals of Sentinel Landscape by implementing ordinances relative to water conservation, outdoor lighting, open space dedication, and **tree and habitat protection.***