



Tree Mitigation Variance Request Grass Hill Estates Subdivision Aids Drive

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City Council Meeting
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Summary

- Question

- Should, the Council grant a Tree Mitigation Variance, to allow the removal of 24 medium, 21 large, and 36 heritage trees, and reduce the fee in lieu, from \$92,400 to \$25,000 at Grass Hill Estates Subdivision and P-13, ABS 432, CB 4430, approx. 32 acres of land

- Options

- Grant the variance
- Deny
- Other

- Declaration

- At Council's discretion - tree removal will accommodate orderly development of area & encourage planting of native/non-invasive trees

Purpose

- To consider a request for a Tree Mitigation Variance
- To allow the removal of 24 medium, 21 large, & 36 heritage trees
- At Grass Hill Estates Subdivision and P-13, ABS 432, CB 4430, on approximately 32 acres of land

Background

- 8/20/24 – City Council approved rezoning property to Planned Development District with R-6 Garden Home based zoning
- Replacement Plan is to plant two 1-1/2” trees per lot (410 new trees)
- Tree Mitigation fees are \$92,400
- Applicant would like the fee capped at \$25,000
 - States most of the trees are non-native and invasive
 - Also states that the removal/disposal is expensive

Mitigation Summary

TREE INVENTORY: 93% OF TREES ARE INVASIVE – ONLY 7% NATIVE TREES (22)

| SPECIE | OVERALL | | | | | HERITAGE | | LARGE | | MEDIUM | |
|-----------------|----------------|------------|-----------|----------|-------------|-----------|----------|------------|-----------|------------|----------|
| | TOTAL / SPECIE | HEALTHY | EXEMPT | Invasive | % of total | HEALTHY | EXEMPT | HEALTHY | EXEMPT | HEALTHY | EXEMPT |
| Arizona Ash | 3 | 0 | 1 | Y | 1% | 1 | | 2 | 1 | 0 | 0 |
| Ashe Juniper | 142 | 138 | 4 | Y | 39% | 1 | 1 | 90 | 2 | 51 | 1 |
| Cedar | 18 | 14 | 4 | Y | 5% | 8 | 1 | 4 | 0 | 5 | 1 |
| Chinaberry | 7 | 4 | 3 | Y | 2% | 2 | | 7 | 2 | 3 | 1 |
| Live Oak | 13 | 12 | 1 | | 4% | 2 | | 9 | 1 | 2 | 0 |
| Elm | 3 | 3 | | | 1% | 0 | | 3 | | 0 | |
| Hackberry | 83 | 79 | 4 | Y | 23% | 4 | | 47 | 2 | 32 | 2 |
| Ligustrum | 41 | 39 | 2 | Y | 11% | 5 | | 33 | 1 | 3 | 1 |
| Mesquite | 49 | 47 | 2 | Y | 14% | 5 | 1 | 36 | 2 | 7 | 0 |
| Pecan | 6 | 6 | | | 2% | 4 | | 2 | | 0 | |
| TOTAL | 365 | 342 | 21 | | 100% | 32 | 3 | 233 | 11 | 103 | 6 |
| NATIVE | 7% | | | | | | | | | | |
| INVASIVE | 93% | | | | | | | | | | |

* EXEMPT = Diseased, Dead, or Hazardous

Code Requirements

- City Code mandates that for each medium tree removed, 1 tree of 6" or more in diameter be planted and for each large tree, 1 tree of 8" or more in diameter be planted
- City Code prohibits the removal of any heritage trees, regardless of species
- Per Code up to 25% of required trees may be mitigated rather than preserved, unless insufficient land area exists to plant the required total caliper width of replacement trees, then "cash in lieu of" amount may be increased up to 50% of the required replacement tree amount
- Applicant is keeping one 45" diameter Live Oak heritage tree

Tree Inventory

| Species | Medium | Large | Heritage | Total |
|------------------------------|-----------|-----------|-----------|-----------|
| Arizona Ash | 0 | 0 | 1 | 1 |
| Ashe Juniper | 0 | 1 | 1 | 2 |
| Cedar | 7 | 3 | 10 | 20 |
| Cedar Elm | 1 | 2 | 0 | 3 |
| Chinaberry | 0 | 0 | 2 | 2 |
| Hackberry | 9 | 3 | 4 | 16 |
| Hackberry & Mesquite Cluster | 0 | 0 | 1 | 1 |
| Ligustrum | 0 | 1 | 5 | 6 |
| Live Oak | 2 | 9 | 2 | 13 |
| Mesquite | 5 | 1 | 6 | 12 |
| Pecan | 0 | 1 | 4 | 5 |
| Grand Total | 24 | 21 | 36 | 81 |

Code Requirements

- City Code states:
 - Variances may be granted after consideration and approval of the City Council, where a literal enforcement of the provision of the Article will result in unnecessary hardship
 - No variance may be granted unless:
 - Such variance will not be contrary to the public interest;
 - Such variance will be in harmony with the spirit and purposes of the article;
 - The variance sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial;
 - The variance will not substantially weaken the general purposes of the Tree Preservation Ordinance.

Fiscal Impact

- Tree mitigation fees in the amount of \$92,400 or, if the request is granted, \$25,000 will be paid into the Tree Mitigation Fund
- This fund is restricted to supporting additional tree planting at approved sites in Leon Valley
- The granting of this variance would facilitate the development of new housing, which will increase the city's sales and property tax base

Recommendation

- At the discretion of the City Council