
Draft Tree Protection/Mitigation Ordinance



Recent updates

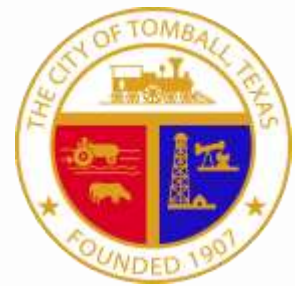
- Removed less than 5-acre exemption for tree protection/mitigation
 - Added exemption for existing single-family and two-family residential properties (Texas Local Government Code-212.905 prohibits tree mitigation fees)
- Removed building setback area as the only tree protection/mitigation area
 - Entire property requires tree protection
- Updated the City of Tomball Tree List



Recent updates

- Added exemptions for buffer zone
 - New subdivisions (plats) less than 5 acres
 - Replats where boundary does not change or where no additional lots are created along the boundary
- Recommend buffer zones to be maintained by property owner or HOA (not City right-of-way)
- Appeals are considered by City Council





Purpose

To preserve, protect and enhance existing trees and mitigate the effects of tree removal within the city. Trees, particularly native species, add natural beauty and distinct local character, add shade, promote water conservation, provide locations for habitat, and increase property values.



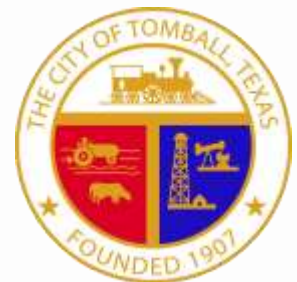
Exemptions to tree protection/mitigation

- Trees deemed dead, diseased, or a safety hazard
- Where public streets, easements, or fire lanes are required
- Existing single-family and two-family residential properties



Protected trees

- Any tree species listed in the City of Tomball Tree List that measures 18 inches in diameter or larger (measured 4.5' above grade)
- A tree removal permit is required for protected trees
 - A tree survey is required prior to the removal of any protected tree.
 - Trees on existing single-family and two-family residential properties are exempt.



City of Tomball Tree List (Protection and Replacement)

City of Tomball Tree List	
American Elm	London Plane Tree
American Holly	Overcup Oak
American Sycamore	Pecan
Aristocrat Pear	Pin Oak
American Sweetgum	Possumhaw Holly
Arizona Cypress	Redbud
Bald Cypress	Red Maple
Boxelder	River Birch
Bradford Pear	Sawtooth Oak
Bur Oak	Shumard Oak
Caddo Sugar Maple	Slippery Elm
Cedar	Southern Magnolia
Cedar Elm	Sugar Maple
Chinquapin Oak	Sweet Gum
Cleveland Pear	Sycamore
Dawn Redwood	Texas Red Oak
Eastern Red Cedar	Tulip Tree
Green Ash	Tulip Tree Liriodendron
Lacebark Elm	Water Oak
Laurel Oak	White Ash
Leyland Cypress	Willow Oak
Live Oak	



Alternatives to tree survey

- Affidavit provided by Urban Forester, Arborist, or Landscape Architect indicating no protected trees are on the property or if all protected trees are diseased or dead.
- Establishment of a tree preservation area
 - Must include extensive tree canopy and be at least 20% of the parcel area.



Forested buffer zones

- 18-foot reserve along boundaries between new development and single-family zoned properties.
 - 15 feet if parallel abutting easements exist
- Preservation of all trees and underbrush.
- Exemptions include:
 - New subdivisions (plats) less than 5 acres.
 - Replats where the boundary is not changed and where additional lots are not being created along the boundary.



Example



Tree replacement/mitigation

- Mitigation 1:1 replacement to removal
- Minimum 4-inch caliper for replacement trees (measured 1 foot above grade)
- Replacement within 90 days
- Minimum 8-inch trees that are preserved count towards replacement credit
- Replacement trees must be on the City of Tomball Tree List



Alternative mitigation methods

- If replacement trees are not possible onsite:
 - Fee-in-lieu of replacement towards tree replacement fund per the master fee schedule
 - Offsite mitigation (parks or other public spaces)



Discussion

