

# Tree Survey Requirements

September 18, 2017 City Council Work Session



## Background

- In May of 2016, Staff was made aware of a potential delay in the development process that was caused by the City's current requirement to survey trees that could be removed otherwise with no penalty.
- After a brief evaluation of the outlined circumstances, Staff confirmed that the issues with the development process caused by existing tree survey requirements could occur in some circumstances.
- In order to ascertain if this potential was significant enough for the City to modify its development process and the current tree survey requirements contained within the Tree Preservation Ordinance, Staff made a presentation to the City Council in June and July of 2016 seeking direction. At that time, the City Council indicated that the existing regulations should remain and no changes should be made.
- Mayor Fuller and Mayor Pro-Tem Rogers have since asked to revisit this topic.

# Current Tree Preservation Regulations

## Protected Trees:

- All trees 42" caliper or greater;
- 70% of quality trees 6" caliper or greater located within the floodplain; and
- Quality trees 6" caliper or greater located within 15' of a platted single family community.

## Quality Tree Examples (not an exhaustive list):

- Caddo and Red Maple
- Live and Red Oak
- Pecan
- Pine
- Cypress

## Trees exempt from protection include:

- Trees that are less than 42" in size that must be removed to install:
  - Public rights-of-way (including the construction of streets and alleys)
  - Utilities, easements, and cut/fill grading for drainage
  - Fire lanes, driveways, sidewalks, and trails
  - Fences and walls
  - Patios and Pools
  - Parking and building pads

# Current Tree Preservation Regulations

## A required tree survey must include:

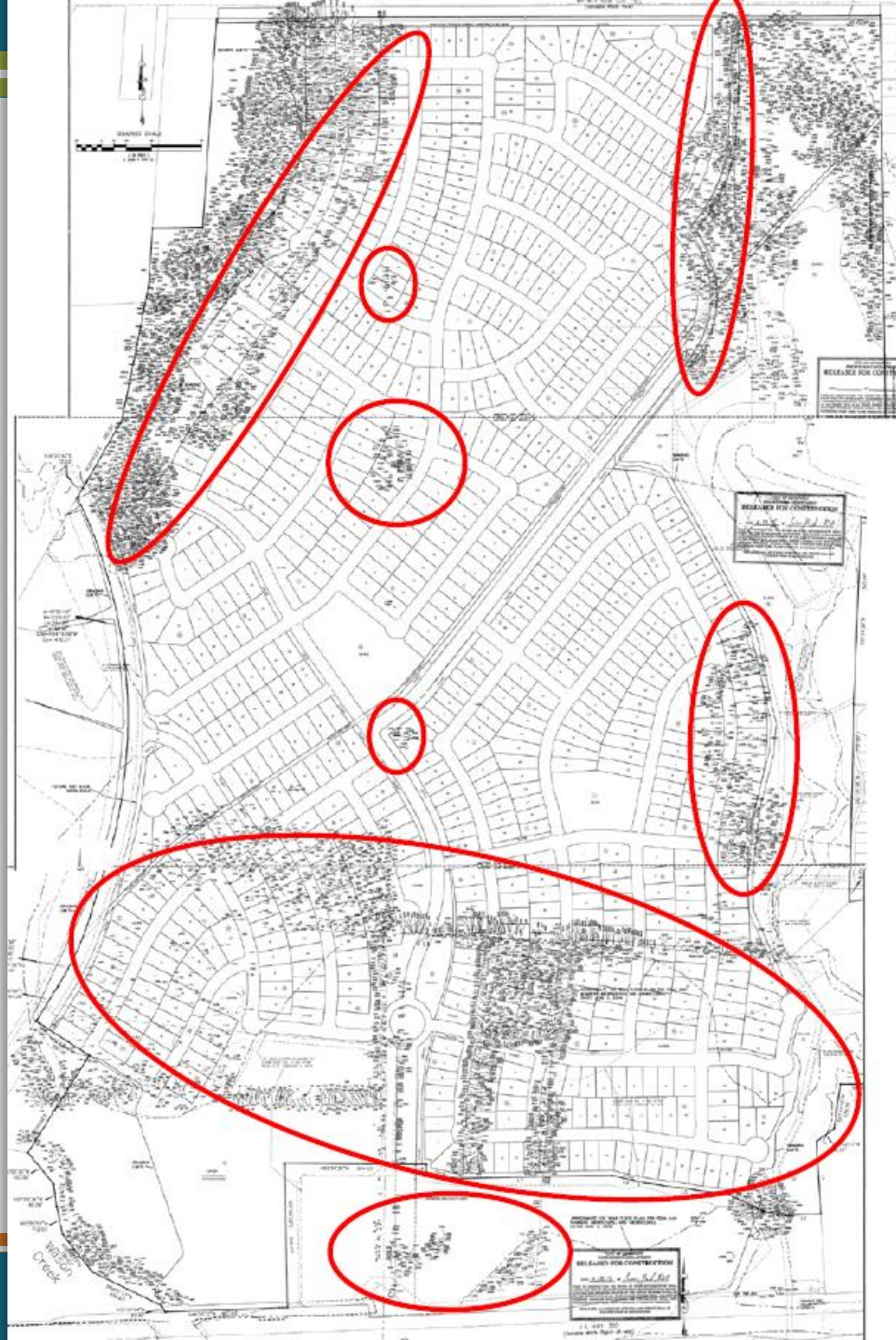
- The species and size of all trees 6" caliper or greater;
- Any proposed non-disturbance areas;
- Location of FEMA floodplains, NRCS lakes, erosion hazard setback easements;
- Creeks, lakes, and other water features;
- Locations of all buildings, structures, etc.;
- Locations of all rights-of-way and easements;
- Adjacent land uses and zoning of adjacent properties; and
- Other technical info (scales, title block, applicant and owner names, etc.).

## Special circumstances are currently allowed:

- To submit aerial photography reflecting the property and its existing tree canopies in lieu of a tree survey for areas of non-disturbance; and
- To designate areas of non-disturbance on required tree surveys to reduce surveying requirements.

## Example of Potential Issue

- The Auburn Hills Development located generally north of U.S. 380 (University Drive) and east of Future Ridge Road surveyed trees 6" caliper or greater on an approximately 324 acre tract of land over approximately 3-4 months.
- 6,588 trees 6" caliper and greater were surveyed.
- Only 233 were 20" caliper or larger.
- Areas in red indicate general locations of trees that were removed by right with no mitigation or penalty.



## Consideration Points

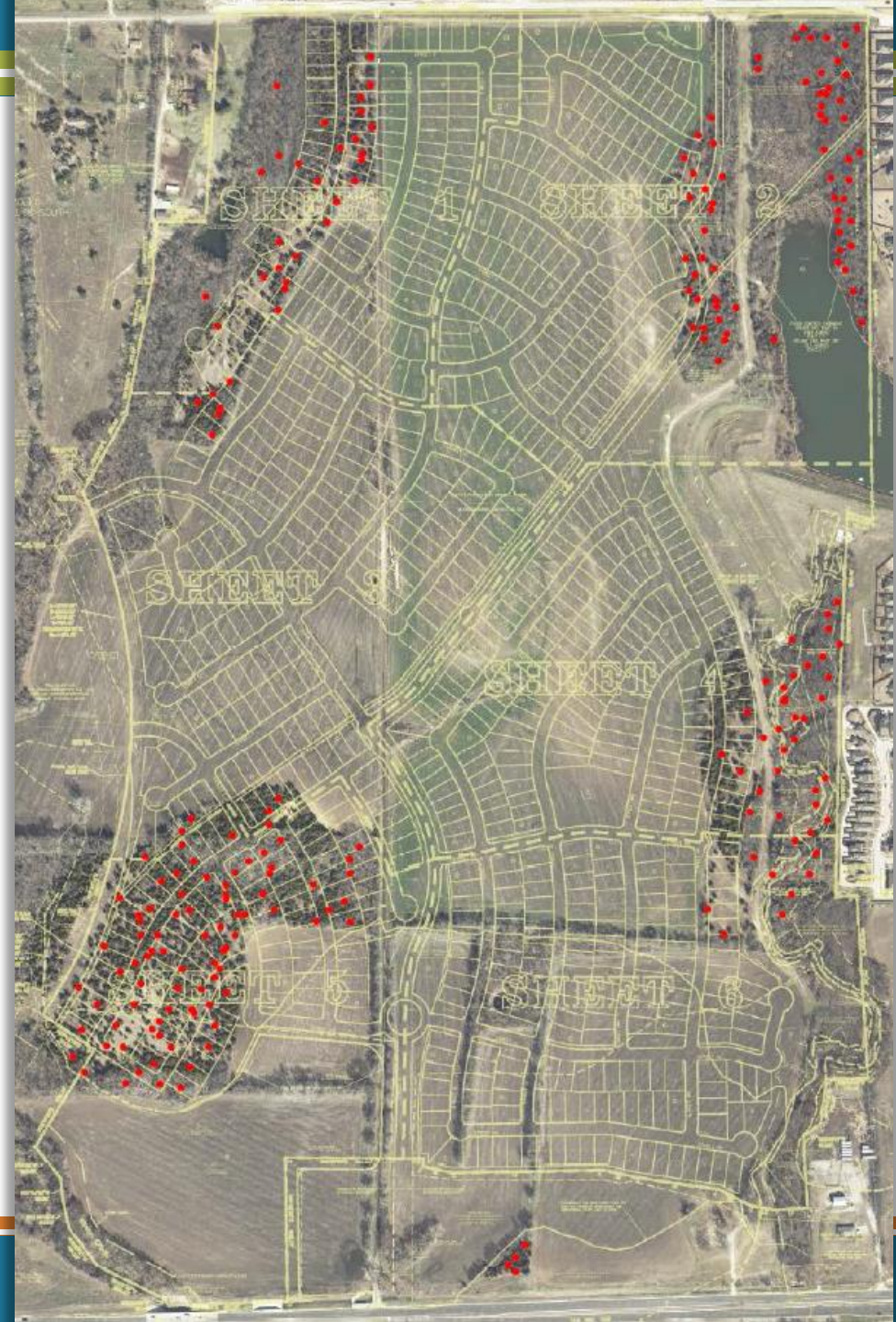
**Is this potential issue worth addressing via a series of ordinance amendments?  
If so...**

- Is there a way to protect trees not exempted by McKinney's regulations while ensuring the development process is streamlined?
- Could areas of trees that are not protected by ordinance be surveyed using their canopy via aerial photography?
- Could the minimum caliper size of trees to be shown on a tree survey be increased beyond 6" caliper to another size deemed acceptable? 42" caliper and greater cannot be removed so what size between 6" caliper and 42" makes sense?
- Could penalties for removing trees that have not been surveyed but are protected be based on their canopy area rather than an unknown caliper size?
- Could a tree survey including an aerial exhibit, the proposed development plan, and all trees of the minimum size deemed appropriate satisfy the community's needs for tree preservation and mitigation/penalty assessment?



## Example of a Potential Solution

- Areas where trees may be removed with no penalty could be reflected via aerial photos and trees above a certain caliper inch size could also be indicated on the survey.
- This modified tree survey should only be allowed in specific situations rather than for every site. Example: locations where no floodplain is present and heavily wooded site requiring no mitigation.
- Mitigation fees could be established based on canopy areas rather than caliper inches in cases of unauthorized tree removals where caliper sizes are unknown.
- Red dots could reflect trees above an established caliper inch threshold.



## Direction Requested

*Should Staff evaluate and draft ordinance modifications to allow for modified tree survey requirements in limited situations where trees are currently required to be surveyed but may be removed regardless?*

*What is the appropriate size (caliper inch) of trees that must be reflected on a modified tree survey?*

