

## **SUMMARY**

### **Single Family/Duplex Development - Tree Division Options**

**Urban Forest** means any publicly or privately owned trees and other vegetation across an urban area which sustains the interaction of people and active biological ecosystems in the community, providing green infrastructure services for water conservation and flood control, air quality improvement, heat abatement and energy use reduction, and improving urban social networks and economies.

**Current Staff Proposal** (similar to current application of the code) (see detail p.2)

- Division does not apply to lots smaller than 2 acres that contain single-family or duplex uses.
- New: Demolition Permit is declaration of intent to remove the use.
- Tree removal property is considered vacant when a demolition permit is issued. All protected trees are subject to permit and replacement until a new residence is completed.

**Option #1** (see detail p.3-4)

- Division does apply to lots smaller than 2 acres that contain single-family or duplex uses.
- Exception is provided to the SF/Du uses for tree removal permits. A permit and tree replacement is not required for removing protected trees on the property except for when a protected tree is removed on the property within twelve months prior to issue of demolition permit for the SF/Du use.
- Trees confirmed by the city arborist to have been removed within the specified time prior to a demolition permit are subject to permit and tree replacement requirements.
- Incentives are provided to builders to coordinate all tree removals associated with demolition to be applied with permits. Provisions include protected trees at 16-inch diameter (or minimum of 12 inches for post oak), and lots on 1 acre or less may apply a large unrestricted zone within the building site in which trees removed do not require replacement.

**Option #2** (see detail p.5-6)

- Division does apply to lots smaller than 2 acres that contain single-family or duplex uses.
- Exception is provided to the SF/Du uses for tree removal permits. No approval of a tree removal permit is required, and no replacement is required, for the removal of a protected tree on the lot, except when the tree is located in the front yard setback, or 15 feet, whichever is greater.
- Incentives are provided to builders to coordinate all tree removals associated with demolition to be applied with permits. Provisions include protected trees at 16-inch diameter or greater, except for post oak which will be protected at a minimum of 12 inches.

**CURRENT STAFF PROPOSAL - detail**  
**Single Family/Duplex Development - Tree Division**

- Division does not apply to lots smaller than 2 acres that contain single-family or duplex uses.
- A demolition permit is a declaration of intent to remove the single family or duplex use on the property.
- The tree removal property is considered to be vacant when a demolition permit is issued for the single family or duplex structure.
- The tree removal property is considered to be vacant until:
  - the demolition permit is closed (not expired) by the building inspector (being proof of the return of the single family or duplex use); or
  - a certificate of completion is provided to the tree removal property owner for a new single family or duplex structure for occupancy is completed on the property.

Staff Note:

The current proposal is applied to properties smaller than 2 acres. This may be amended to apply with properties smaller than 1 acre.

## OPTION #1 - detail

### Single Family/Duplex Development - Tree Division

All trees are protected - some may be unrestricted (by species, invasives, defense to prosecution)

- No approval of a tree removal permit is required, and no replacement is required, for the removal of a protected tree on a lot less than 2 acres with a single family or duplex use **except when** a protected tree is removed on the property within twelve months prior to the issuance of a demolition permit for the dwelling structure.
- If trees are removed from the property within the specified period prior to demolition, standard mitigation requirements apply (protected trees measured at 8-inches diameter)
- But if trees are removed under a tree removal/demolition permit or a building permit, incentive mitigation reductions are granted the property constructing a new single family or duplex dwelling.

Incentive mitigation reduction:

- All trees are protected at **16-inch** diameter or greater (not at 8" or greater), except for post oak which will be protected at a minimum of **12 inches**.
- On a lot 1 acre or less, an **unrestricted zone** is applied – no mitigation required for trees removed within this zone. The unrestricted zone does not include the front yard setback, or 15', whichever is greater; the rear area equal to the front yard; and the side yard setback, or 5', whichever is greater. All trees within the interior zone are not subject to replacement.
- The "Tree Canopy Cover Credit for Single-Family and Duplex Construction" additional method of replacement is applicable. In this option, if a property retains 40% of canopy cover over the property, no further tree planting is required unless necessary to comply with landscape requirements.

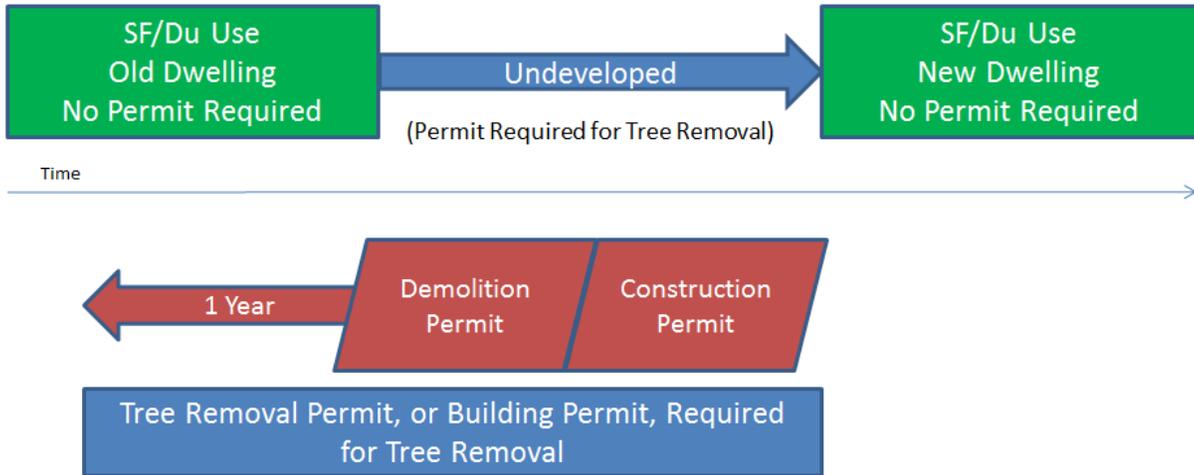
Staff Note:

Currently, all single family and duplex uses on lots less than 2 acres are excepted from conditions because the property is not subject to any of Division 10.130 regarding trees preservation. Any enforcement to apply on these properties with SF/Du uses requires the lifting of this exception. In replacement of this provision, staff states an exception is to the requirement for a tree removal permit, or building permit, before removing a tree. This, by ordinance, determines that tree replacement is not required.

The single family or duplex use exception to requirement of a tree removal or building permit would apply under the following provisions:

- 1) the regulation mandating a tree removal within a year prior to, during, or after demolition, be under permit,
- 2) a defense to prosecution for tree removal because of condition of the tree; or because the tree was removed by the current or previous owner, or their agent, prior to the one-year time period; or the tree was removed by the previous owner, or their agent, prior to a sell of the property within the one-year time period; and
- 3) a waiver caused by receipt of an affidavit from the current owner stipulating that no healthy protected tree was removed on the property under their ownership, by themselves or other responsible party; or, if removed, stating the purpose and cause of the tree removal, with proof provided by relevant sources including, but not limited to, information provided by the tree removal service company or certified arborist, photo documentation, or witness statement.

Option #1: SF/Du uses on lots less than 2 acres in size.



**Defense to Prosecution** (Sec. 51A-10.140):

Tree condition

Tree removed by current or previous owner prior to 1 year period,

Tree removed by previous owner prior to sell of property within 1 year period.

**Waiver** for current owner who stipulates by affidavit no healthy tree was removed, or  
If removed, a statement of purpose of tree removal is provided.

**OPTION #2 - detail**  
**Single Family/Duplex Development - Tree Division**

All trees are protected - some may be unrestricted (by species, invasives, or location)

- No approval of a tree removal permit is required, and no replacement is required, for the removal of a protected tree on a lot less than 2 acres with a single family or duplex use **except when** located in the front yard setback or 15' whichever is greater.

Incentive mitigation reduction:

- All trees are protected at **16-inch** diameter or greater (not at 8" or greater), except for post oak which will be protected at a minimum of **12 inches**.

Staff Note:

As indicated for Option #1, the exception to the Division is lifted. An exception is provided where a tree removal or building permit is not required prior to tree removal except for trees growing within the front yard setback, or 15 feet from the front yard property line, whichever is greater. The protection for the trees in the front yard setback will be for trees measured to 16-inch diameter or greater, or 12-inch diameter and greater for post oak trees. All other trees within the property may be removed according to the owner's prerogative.

This option places a regular limitation on homeowners to regulate tree removals in front yards. This option does not state if tree removal is prohibited and does not designate any particular status for significant or heritage trees on the lot.

This option can also be modified for 1 or 2 acre parameters.

Option #2: SF/Du Uses – Property Owner Responsibilities.

