

# DCRC25-0095L Tree Code Definitions

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## 7.7.4.H Tree Replacement

3. In order to ensure biodiversity and protect against tree diseases, if 20 or more replacement trees are planted, no one species of tree may exceed ~~30~~ 20 percent of the total new trees on the site, and no more than 30 percent of the same genus may be planted on-site.

## 7.7.4.H Tree Replacement

~~8. In accordance with TLGC, § 212.905, as amended, a credit of 50 percent shall automatically be given to the total calculated dbh DBH for all residential development, and 40 percent for nonresidential development. The preliminary mitigation dbh DBH is 50 percent of the total calculated dbh DBH for all residential, or 40 percent for nonresidential. Mixed-use developments shall be credited at the residential rate of 50 percent.~~

Trees proposed to be credited against the required mitigation total shall be:

- a. Of a native species and categorized as a large or medium canopy tree.
- b. Planted in an area with a minimum soil surface area of 450 square feet

## 7.7.4.K Alternatives to Tree Replacement Requirements

~~8. In accordance with TLGC, § 212.905, as amended, a credit of 50 percent shall automatically be given to the total calculated dbh DBH for all residential development, and 40 percent for nonresidential development. The preliminary mitigation dbh DBH is 50 percent of the total calculated dbh DBH for all residential, or 40 percent for nonresidential. Mixed-use developments shall be credited at the residential rate of 50 percent.~~

Trees proposed to be credited against the required mitigation total shall be:

- a. Of a native species and categorized as a large or medium canopy tree.
- b. Planted in an area with a minimum soil surface area of 450 square feet

## 7.7.4.J Tree Preservation Relief Provisions

1. **Purpose.** The purpose of this provision allows a determination of whether the application of this DDC, as applied to a tree removal application and related development applications, would if not modified or other relief granted, may unreasonably burden the development of the property.

# 7.7.4.J Tree Preservation Relief Provisions

## 2. Review Procedure.

- a. A property owner or his authorized agent may file an application for relief to the Board of Adjustment, in accordance with Subsection 2.8.1: Variance and the criteria below, to remove up to 100% of trees on-site in exchange for paying the assessed mitigation fee as noted in 7.7.4.G.1.b.iii.a. Trees to be preserved shall be credited against the mitigation total in accordance with 7.7.4.I. ~~under this subsection following a final decision to deny or conditionally grant an application for a tree removal permit.~~

# 7.7.4.J Tree Preservation Relief Provisions

## 2. Review Procedure.

- b. ~~The Director has the authority to establish requirements for applications for tree preservation relief in the Application Criteria Manual.~~ No application shall be accepted for filing until the following have been completed:
  - i. Payment of the fee established by the City Council ~~has been paid.~~;
  - ii. Submittal of a tree survey of the subject property prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, registered landscape architect, or a professional land surveyor in coordination with an ISA certified arborist, TFA Accredited Forester, or an ASCA registered arborist; and
  - ii. Submittal of a written narrative describing how the criteria for approval are met.

# 7.7.4.J Tree Preservation Relief Provisions

## 2. Review Procedure.

- c. ~~Upon approval of an application for relief in whole or in part by the City Council, the Director shall process the tree removal permit and related development applications pursuant to the relief granted on the application for relief approved by the City Council.~~  
Staff shall review the application and recommend approval or denial of the relief request to the Board of Adjustment.

# 7.7.4.J Tree Preservation Relief Provisions

## 2. Review Procedure.

- d. A denial of an application for relief by the Board of Adjustment may be appealed to a district court or county court of law within 10 days after the date the decision is filed in accordance with TLGC, Chapter 211, pursuant to Subsection 2.8.1.

## 7.7.4.J Tree Preservation Relief Provisions

3. **Criteria for Approval.** The Board of Adjustment shall consider the criteria in Subsection 2.8.1D: Variance Approval Criteria. ~~In addition to deciding whether to grant relief to the applicant, the City Council shall consider whether there is any evidence from which it can reasonably conclude that the application of all or a part of the provisions of this DDC that apply to tree preservation may deprive the applicant of all economically viable use of the property, based on the following factors:~~
- ~~a. Whether there is a unique physical circumstance on the property.~~
  - ~~b. Whether the proposed design has minimized the loss of trees to the extent possible.~~
  - ~~c. Whether preservation and/or mitigation unduly burdens the development of the property.~~

# Next Meeting

April 13<sup>th</sup>, 2026 DCRC meeting:

- Landscape and Tree Code summaries
- Public engagement conversation