



# DEVELOPMENT SERVICES

TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 523**  
Tree Affidavits and Rights Determination Reviews

DATE: Effective: December 23, 2009/*Revised August 1, 2014*

CREATED BY: Land Development Division

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**Purpose:**

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update Information Bulletin (IB) 523 on tree affidavits and rights determination reviews. This bulletin has been updated to incorporate the department’s new format for Information Bulletins.

This IB describes and clarifies the submittal and review process to be conducted for Tree Affidavits (TA) that are associated with Rights. This IB was created based on past customer questions for guidance when a rights determination for a project has been recognized and to clarify the updates on the online Tree Affidavit.

**Scope:**

Throughout the development process there are multiple levels of tree reviews in which a TA will be required to be submitted. These tree reviews apply when an applicant is conducting site work improvements, plat submittals, or new structure plan reviews. Each time a TA is submitted the applicant has options for staff review, these options include:

**IF A MASTER TREE PERMIT, TREE PLAN, OR A TREE PERMIT ASSOCIATED WITH A RIGHTS DETERMINATION REVIEW WAS PREVIOUSLY APPROVED, PROVIDE AP# \_\_\_\_\_  
(if acknowledging a previously approved tree permit (as noted above), no selection of 1-4 is required below)**

**PLEASE MARK THE APPROPRIATE BOX FOR REVIEW (ONLY MARK ONE BOX):**

- 1. Has no Protected, Significant, Heritage, or Historic trees as defined in Article V, § 35-523 or 35-6111 of the U.D.C. (Aerial photo required for 2003/2006 Ordinance); **OR**
- 2. Has protected trees, but this work will in no way cause damage to or the destruction of said trees; I understand such is a direct violation of the provisions of Article V, § 35-477B(b)(2) or 35-6106 (Aerial photo or Tree Survey required for 2003/2006 Ordinance); **OR**
- 3. Is exempt from the Tree Preservation Ordinance – Rights Determination # is required: (Aka Vested Rights Permit) \_\_\_\_\_  
(For Residential Building Permit Tree Affidavit, a \$35 Review Fee and aerial photo of project area is required. All other reviews require a \$250 fee and an aerial photo of project area.); **OR**
- 4. Has Protected, Significant, Heritage or Historic trees that will be removed. (Requires additional site plan and tree inventory submitted)

These options help staff determine what type of review needs to be conducted. Therefore, when the applicant is filling out the TA, they should consider all the factors associated with the property.

**A. For sites that have had a previously approved AP:**

- If the site **has been cleared** of trees as defined in Article V, § 35-523 or 35-6111 of the U.D.C. based on a previously approved AP (that staff recognized rights), then the applicant may mark option 1.
- However, if the site **has not been previously cleared** of trees as defined in Article V, § 35-523 or 35-6111 of the U.D.C, and the previous AP is still valid the applicant may provide the previously approved AP number at the top of options 1-4.

**B. For sites that do not have a previously approved AP or the previously approved AP is invalid:**

- If the applicant wants to clear trees based on Rights, then the applicant will need to mark option 3, pay the applicable fees, submit aerial photo, and provide a Vested Rights Permit or Rights Determination number.

**C. For subdivisions that request the recognition of rights for multiple lots within one plat and one Rights Determination file (aka Vested Rights):**

- The applicant may submit one TA for a **site work** permit and pay one \$250.00 fee. This would allow staff to conduct one Rights Determination review for multiple lots. Assuming the site work permit is approved with the recognition of rights, the applicant may then follow steps A or B as applicable for future permit submittals.

Another option that is highly recommended and will ease future tree permit reviews is to submit a Master Tree Preservation Plan. This may be submitted with a Master Development Plan or at the subsequent stages of design and development. This will assist staff in communicating the intent of your project throughout the development process.

If you have any questions regarding this Information Bulletin or the procedures or processes for Rights Determinations, please contact Melissa Ramirez, Planning Manager at (210) 207-7038. Should you have questions regarding Tree permits or Master Tree Preservation Plan submittals please contact Mark C. Bird, City Arborist at (210) 207-0278.

**Summary:**

This Information Bulletin is for informational purposes only.

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