



DEVELOPMENT SERVICES

TO: All Development Services Department Customers

SUBJECT: **INFORMATION BULLETIN # 552**
Tree permits, Tree Preservation Plans and Affidavits

DATE: October 1, 2013; Revised August 1, 2014; Revised January 13, 2017

CREATED BY: Land Development Division/Engineering and Environmental Section

Purpose:

The Development Services Department developed this Information Bulletin (IB) to explain the intent of the following forms and applications: the tree affidavit form, the tree permit application, and the process and procedures associated with the Tree Ordinance. This IB will also provide information on the life expectancy of each application and underlying permits such as MDP, PUD, Plat, Building Permit, Site Work, etc. We encourage you to visit our web site and read the RID 121 for further clarification. This IB will become effective with Plat 170250.

The Unified Development Code (UDC) *Sec. 35-523 Tree Preservation (a)(1)(A) Applicability. The regulations contained in this division shall apply to any private property located within the city limits and the ETJ of the City; and (a)(1)(C)(3) Any grading, filling or clearing of land; (a)(1)(C)(6) trenching or excavation that may damage or destroy any significant or heritage tree or areas of tree canopy as defined.* These sections of the code include, but are not limited to activities such as geotechnical investigations.

Scope:

In an effort to facilitate and simplify the application process for geotechnical investigations, we will accept the tree affidavit application from the “builder” or “owner” taking responsibility for the activities conducted on the properties and ensuring that no trees will be harmed. This application, if approved, will be good for 180 days. This application will include, but is not limited to, covering any firm or contractor retained by the owner or agent to conduct a geotechnical and/or archaeological investigations.

The type of tree application (tree affidavit or tree permit) will depend upon the scope of work and the trees/canopy present at the site. The below information outlines the requirements of a tree application:

- Tree application (tree affidavit/tree permit depending on scope of work and trees/canopy on site).
- Exhibit: If submitting a tree affidavit (no protected trees on site or no protected trees, or areas of tree canopy, to be impacted): an aerial exhibit of the site showing the locations of proposed testing locations and approximate path ways to access identified testing locations.
- Exhibit: If submitting a tree permit (protected trees will be removed): requires a tree preservation plan.
- Fees:
 - Review fee: \$100.00
 - Tree canopy fee: \$25.00 per acre, one acre minimum (not required for geotechnical permits)
 - Affidavit/permit fee: based on current fee schedule
- If there is an approved Tree Preservation plan use the Tree Permit Application and provide the approved AP# in the space provided on the application.
- Schedule pre-construction meeting to review proposed work and alignments through the tree reviewer.
- The approved tree application is valid only for the proposed scope of work (soil testing/geotechnical investigations). Work beyond the scope will require a new tree application, required documents, fees, review and approval and pre-construction meeting.

The following question and answers were created to clarify the tree application process, the difference between the two forms and the inspection process:

Q.1 Why the change or revisions?

- A. RID#121, developed by DSD was created to clarify the use and applicability of a tree permit and a tree affidavit. RID#121 will also clarify among other things the life expectancy of each application as it relates to the underlying permit, such as: MDP, PUD, Plat, Building Permit, etc., and the activity allowed with each application. There has been confusion about what activity is allowed with an approved tree affidavit vs. an approved tree permit.

Q.2 What is the difference between a Tree Permit and Tree Affidavit Application?

- A. **Tree Permit:** The Tree Permit allows you to remove protected trees and areas of tree canopy based on the conditions placed on the approved permit. It also allows for geotechnical investigations.
- B. **Tree Affidavit:** The Tree Affidavit is only used when the applicant will not be removing or affecting protected trees, or areas of tree canopy that may be used to meet preservation and/or canopy requirements, whether the site has trees or not. It also allows for geotechnical investigations.

Q.3 What is residential and non-residential?

- A. For the purpose of this application, residential means any single-family, two family (duplexes), or three family (triplexes) residential dwelling units. All other development including multi-family is considered non-residential.

Q.4 What is “class of work”? How many options should be checked?

- A. Class of work describes what actions the applicant proposes to complete with the appropriate tree permit or tree affidavit. The applicant may only be platting a property with no development or improvements planned/proposed in which case an affidavit would be submitted checking only platting and no site plan required. As part of the review process, the reviewer needs to know what development activity is proposed with the application, such as a new structure, an addition to an existing building, platting, site work, or a simple tree removal. The applicant would check all that apply.

Q.5 What is considered “clearing of land”?

- A. Clearing of land for the purpose of the tree preservation ordinance is the removal of any vegetation, brush or underbrush, including “protected” and “not protected” trees, which will require a tree application prior to commencement.
- B. For the purpose of this IB and the use of the tree affidavit, “clearing” is only the removal of brush or underbrush which does not include “protected” or “not protected” trees. For example, clearing of brush or underbrush for geotechnical investigations and/ or accessibility.

Q.6 Why do we need a Parcel Key?

- A. The parcel key is the primary point of reference for the location of a development. The site can change from an MDP, to a plat, to a building permit, and an address will not be assigned at all levels of review. However, a parcel key will be the common factor. It is also easier to locate the project in the GIS verification process. Please include all parcels affected if more than one.

Q.7 In the tree affidavit application, what is option 1 and 2?

- A. **Option 1** is for sites that have no protected trees within the limits of the property. *(A protected tree is a tree with a trunk that is 6 inches in diameter or larger, please refer to the Unified Development Code (UDC) 35-523(f) for additional tree species and minimum size trunk)*
- B. **Option 2** is for sites that do have trees, but the activity proposed will not harm or cause harm to any protected trees. These situations apply to plats where streets and/or other public improvements will be built and only the work performed is in the right of way or easements. There is no activity outside those areas and/or the activity will not harm any trees. These options are acknowledged by the applicant with the affidavit. A site plan is not required for applications with no activity such as stand-alone plats.

For further clarification on proper submittal of a tree affidavit form please read UDC Section 35-B124.

Q.8 What is the timeframe for reviewing a tree application for geotechnical investigations?

- A. Tree Permit - Less than 10 working days for the following:
 - Review application and applicable fees, exhibit/preservation plan for compliance with UDC requirements
 - As applicable provide comments, schedule inspection
 - Approve with terms and conditions of approval. A tree permit application will require a pre-construction meeting at site

- B. Tree Affidavit- Less than 5 working days for the following:
 - Review application and applicable fees, and exhibit/preservation plan for compliance with UDC requirements
 - As applicable provide comments, may schedule inspection
 - Approve with terms and conditions of approval. An A2 application will require pre-construction meeting at site when trees are on site

Q.9 In the tree permit application, what is option #1 and #2?

- A. **Option 1** is for sites that have or are applying for the recognition of *Rights*. This option allows a development to build to a certain development standard if *Rights* for the project have been acknowledged.
Option 2 is for sites that have protected trees that will be removed and a preservation plan is required to be submitted for review and approval. The tree preservation plan can use a tree survey or the tree stand delineation method with an aerial photograph (Please refer to the UDC section 35-523 Tree Preservation for more detailed information. For further clarification on proper submittal of a tree permit form, please read UDC Section 35-B123 and 35-B125.

Q.10 What tree inspections are required?

- A. Prior to the commencement of any site work activities requiring a tree permit or A2 tree affidavit application, the applicant shall request a pre-construction conference with the city arborist in order to review procedures for protection and management of all significant, heritage or mitigation trees or areas of tree canopy (Sec. 35-477 (b)(5)C). For A2 tree affidavits submitted for geotechnical investigations an initial pre-construction conference with only the applicant or designated representative is required. In the case that no trees will be cut, damaged or destroyed, then an approved tree affidavit will suffice to proceed with activities. No pre-construction inspections will be needed unless the scope of work within the issued permits changes.

Summary:

For additional information regarding this IB, please contact Mark C Bird, City Arborist at (210) 207-0278 or Herminio Griego, Assistant City Arborist at (210) 207-6042, or Jacob Sanchez, Assistant City Arborist at (210) 207-0161.

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