

To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Justin Rametta, AICP, Planning and Zoning Administrator
Department	Planning and Development
Date	February 1, 2022
Subject	Council Work Session: February 8, 2022 Meeting Tree Conservation and Forestation

Background

The topic of Tree Conservation and Forestation was discussed several times in the Growth and Natural Resources Committee throughout 2020. Discussion initially centered around the 40% forestation requirement in the Urban Watershed Protection Overlay District (-UWPOD), but ultimately led to a recommendation by the committee and the Council to direct staff to find ways to holistically increase tree protection throughout the city. The following is a brief summary of the current regulatory framework related to tree protection and planting and some suggested options for increasing tree protection citywide.

Current Regulations

The City's Unified Development Ordinance (UDO) uses three methods to address tree preservation and planting on private property:

1. Tree Conservation

Tree Conservation regulations generally apply to certain site plans and subdivisions on sites greater than 2 acres in size. In most cases, 10% of the site (15% in R-1 and R-2 districts) are required to be preserved, based on a hierarchy of priority areas. These regulations are intended to protect significant stands of existing, healthy trees, and plantings are not allowed to satisfy these tree conservation requirements.

2. Forestation

There are three Watershed Protection Overlay districts throughout the city where the forestation requirements apply: Falls Lake (-FWPOD), Swift Creek (-SWPOD), and the Urban Watershed(-UWPOD). All lots in these overlay districts are required to meet a

40% forestation requirement, which can be met via preservation, planting, or a combination of both.

3. Neighborhood Transitions and Protective Yards

Neighborhood Transitions include a landscaped yard and are required when development is occurring in a mixed-use district adjacent to a residential district. In addition, certain uses may be required to provide landscaped protective yards along the street and/or perimeter of the property regardless of adjacent zoning or uses. These yards are typically planted but can utilize existing healthy vegetation that meets minimum size standards.

Potential Code Changes

Staff in Planning & Development, Parks, Recreation and Cultural Resources and City Attorney's office have discussed existing regulations and state law. The City has some unique enabling legislation that the existing UDO regulations do not fully take advantage of. For example, the city can require more than 10%-15% tree conservation area and apply the regulations to lots of any size (not just those 2 acres and larger). Common concerns from citizens with existing regulations are the loss of large, stately trees on sites less than 2 acres in size. When trees are removed on these sites, no replanting requirements exist. The following recommendations for increasing tree protection citywide are offered for Council consideration:

1. While leaving existing tree conservation regulations in place for sites greater than 2 acres, create an additional tier of regulations for lots between 1-2 acres. This tier could require the same 10%-15% conservation requirement or it could be a reduced percentage (e.g. – 8%-10%). More flexibility could be built into this tier to allow for planting and/or replanting to count toward the required percentages.
2. Explore Champion/Heritage Tree regulations. While the city has authority from the state to regulate Champion trees, it has not been fully utilized to date. In consultation with the City Attorney's Office, staff could explore whether this authority could be used to preserve existing trees of significance (i.e. – of a certain size and/or species) outside of tree conservation regulations and/or allow for planting replacement trees when they must be removed due to development.
3. Include tree planting requirements for lots under 1 acre. Staff could explore planting requirements on lots not subject to tree conservation rules. While not subject to full tree conservation requirements, basic planting/coverage standards could be applied. In all cases where plantings would be allowed/required, a list of preferred or required species that are non-invasive and/or native could be developed.
4. Explore Resource Management Zoning Districts. These districts can provide broader ability to regulate trees on private property but would require rezoning large amounts

of property. Staff recommends waiting for the completion of ongoing initiatives (e.g. – tree canopy and urban heat island studies) before pursuing this option.

Next Steps

Text amendments to the UDO would be required for any of these changes, should Council wish to implement them. Once authorized, staff would begin preparing a draft ordinance for public input. Significant outreach and engagement would be needed to solicit feedback from citizens, the development community, and other stakeholders. The draft would be sent to the Planning Commission for a recommendation and ultimately to City Council for a public hearing.