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Development Ordinance Workshop Summary
May 11, 2002

Beechridge Subdivision
Trees and Steep Slopes

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Tree Protection

The group members noted that no changes are proposed to the Town's Tree Protection regulations in the Proposed Development Ordinance.

The following issues were discussed with regards to Tree Protection:

- Single-Family and two-family lots are currently exempt from the Town's Tree Protection Ordinance. Accordingly, it was noted that an individual property owner could choose to clear-cut his/her lot at anytime. It was noted that trees are an intrinsic part of the value of every single-family lot, and thus help create the character of an existing neighborhood.

A group member suggested that a "burden of proof" should be placed on single-family lot owners, requiring them to provide documentation as to the reasons why a significant tree (as defined in the ordinance) would need to be removed from the lot. The intended result would be that owners of single-family lots would be required to save trees unless proof is provided that there are compelling reasons to remove such a significant tree (example – trees need to be removed to provide a place to locate a house on the lot). The group concurred that a list of clear and legally defensible reasons would need to be developed in order for such a regulation to be appropriately enforced.

- The idea of requiring, as an item on the recorded plat, a limited buildable footprint for each single-family lot, was suggested as an approach that could designate and preserve significant trees and existing vegetation on single-family lots.
- In order for tree protection to be successful, it was suggested that it is important to develop mechanisms that will protect trees during construction, as well as after the house is inhabited.
- It was noted that the City of Durham has a revised Development Ordinance that requires 18% of a single-family lot to be preserved as forested area, or alternatively (if this area must be cut down) to replant at a higher density.

The group did note that the Town's Urban Forester has recommended that the definition for a significant tree be changed to include any healthy tree that has a trunk diameter at breast height

(DBL) of 18 inches or more (the present definition requires a diameter of 24 inches or more). The group believed that this was a reasonable and desirable change.

Steep Slopes

The group members noted that no changes are proposed to the Steep Slopes regulations in the Proposed Development Ordinance.

The following issues were discussed with regards to Steep Slopes:

- The group noted that while the regulations identify various categories of slopes according to steepness and offer corresponding guidelines, they do not prohibit structures and grading from occurring on steep slopes.
- The group also noted that development on slopes greater than 25% “may occur only after a detailed site analysis of soil conditions, hydrology, bedrock conditions and other engineering and environmental considerations have been completed and the proposal determined by the Town Manager to demonstrate sound building and site engineering techniques with minimal disturbance to the area.” Members of the group were curious if (a) the Inspections Department reviewed and approved such site analysis, and (b) how often development occurs on slopes greater than 25%.
- One group member suggested that builders be required to designate an area of primary disturbance on the plat for a development, and then have a secondary area of disturbance that can be used if reasonable need is justified by the owner. The group concurred that the definition of “reasonable need” would have to be clear and legally defensible, in order for such a regulation to be appropriately enforced.

Summary

The group believed that more specific regulations are desirable to protect citizens, as well as the character of existing neighborhoods. More specific regulations would also provide greater certainty for citizens and developers.