

**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. 67-2022**

**A RESOLUTION ADOPTING THE CITY'S TREE
PRESERVATION POLICY**

WHEREAS, the City of Kerrville ("City") is located within the scenic Texas hill country with its abundance of wildlife, scenic views, and natural beauty; and

WHEREAS, the City recognizes the value that trees add to the community as beautiful iconic backdrops to the scenery, shady respites from the Texas heat, and ecological benefits that improve air quality while providing food and shelter for wildlife; and

WHEREAS, pursuant to the City's Comprehensive Plan (*Kerrville 2050*), Kerrville citizens and community members "voiced" the collective opinion that the areas trees, particularly those considered significant specimen or heritage trees, should be protected and celebrated; and

WHEREAS, in addition, *Kerrville 2050* specifically provided that the trees that dot the landscape of Kerrville and the surrounding Hill Country are an important community asset; they contribute to the beauty of the surrounding landscape, reduce pollution and runoff, and enhance property values; and that trees can be cut down and cleared quickly, but they cannot be easily replaced; and

WHEREAS, with these views in mind, *Kerrville 2050* stated that a tree preservation strategy and a planting plan for City-owned property and public spaces should be considered; and

WHEREAS, *Kerrville 2050* also provided that the City should consider tree preservation in order to encourage limited tree removal as a way to ensure that tree removal is done thoughtfully and responsibly, thereby protecting property values and the natural beauty of the community; and

WHEREAS, the City's Code Review Committee, which was created by City Council, has reviewed the issue of tree preservation and has reviewed guidelines that it believes would be beneficial for the City to adopt; and

WHEREAS, City Council believes it to be in the public interest and beneficial for the community to adopt the City's *Tree Preservation Policy* in an effort to encourage the protection of heritage trees;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

The *Tree Preservation Policy*, which is attached as **Exhibit A**, is adopted.

PASSED AND APPROVED ON this the 25 day of OCTOBER A.D.,
2022.

Judy Eychner
Judy Eychner, Mayor

APPROVED AS TO FORM:

Michael C. Hayes
Michael C. Hayes, City Attorney

ATTEST:

Shelley McElhanon
Shelley McElhanon, City Secretary

EXHIBIT A

CITY OF KERRVILLE, TX
TREE PRESERVATION POLICY

Sec. 1 - Title.

These guidelines shall be known and may be cited as the City of Kerrville, Texas (“City”) Tree Preservation Policy (“Policy”).

Sec. 2 - Purpose.

The terms and provisions of these guidelines are intended to accomplish the following public purposes:

- (1) Establish guidelines encouraging the protection and preservation of native and adapted trees within the City.
- (2) Encourage the protection of healthy trees and provide guidance for the replacement or replanting of trees that are removed during construction, development, or redevelopment.
- (3) Provide guidance for the preservation and protection of larger native trees, which provide a valuable amenity to the environment.
- (4) Encourage protection and preservation of trees that provide shade, windbreaks, oxygen, and the cooling of air, thereby reducing the requirements for air conditioning, heating, and the use of energy.
- (5) Encourage protection and preservation of trees, thereby reducing the effects of soil erosion and the need for additional drainage facilities.
- (6) Discourage the clearcutting of land.
- (7) Encourage the preservation of the rural atmosphere and natural environment that define the community’s character and that make it unique and desirable, as described in the City’s Comprehensive Plan (*Kerrville 2050*).
- (8) Encourage the protection and preservation of trees to help mitigate the effects of development.
- (9) Discourage the unwarranted removal of specimen and heritage trees within the City.
- (10) Encourage the protection and preservation of existing native or locally adapted trees, as listed, and encourage planting of new trees to provide environmental benefits that help to protect and preserve watersheds within the City by reducing the amount of pollutants, runoff, and sediment entering creeks within such

watersheds.

Sec. 3 - Definitions.

The following terms when used in this Policy shall have the meanings ascribed to them below:

Caliper. The diameter of a tree.

Director. The person(s) designated by the City Manager to administer the provisions of this Policy.

Heritage tree. A tree of notable historic interest and/or cultural value to the City because of its location or historical significance and designated by City Council. Groups such as the Kerr County Historical Commission and Riverside Nature Center may serve as a resource.

Platted lot. A parcel of land defined by a unique block and lot number, by a tract and lot number, or by a subdivision name and lot number and is recorded with Kerr County.

Specimen tree. Any existing living tree of a species or type, except Chinaberry, Hackberry, Ashe Juniper (Mountain Cedar), Chinese Tallow, and Mesquite, possessing the characteristics described in section 7 below.

Replacement tree. A tree of a recommended species cited in section 7(2) below, that is planted to replace an existing tree that is removed.

Remove or removal. To eliminate, or the elimination of, a tree by any means from a site or an act that causes, or may be reasonably expected to cause, a tree to die. Such acts include: uprooting, severing the main trunk, damaging the bark and/or root system, excessive pruning, etc.

Sec. 4 - Discouraged activities.

It is discouraged for any person to do, or cause, direct, or allow another person to do, any of the following:

- (1) Remove any specimen or heritage tree without a real necessity to do so;
- (2) Prune any tree in a manner inconsistent with section 6 below; or
- (3) Clear cut any property, thereby removing all trees.

Sec. 5 - Applicability.

These guidelines are applicable to properties within the City.

Sec. 6 - Tree pruning recommendations.

- (1) General. No specimen or heritage tree should be pruned in such a manner that would reasonably lead to the death of the tree, and all pruning should be by approved arboricultural techniques designed to preserve and protect the pruned trees.
- (2) Tree topping. Severely cutting back any type of tree's limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree is strongly discouraged.
- (3) Lion Tailing. Lion's tailing is a form of over-pruning or the "gutting" of a tree by removing a large number of the inner branches. The limbs of the tree look like a lion's tail after pruning. The limbs will appear "long and slender" with a "puff" of foliage at the end, like the tuft on the end of a lion's tail.
- (4) Branch and root pruning of wounded trees. Broken branches and exposed tree roots two inches (2") in diameter or greater of specimen, heritage and replacement trees should be cut cleanly. In the case of oak species, in order to prevent infection by oak wilt spores, it is strongly recommended that wounds be painted with an acceptable wound dressing within thirty (30) minutes following cutting.

Sec. 7 - Tree classifications.

- (1) Existing trees are generally classified as follows:

Tree Type	Single-Trunk Caliper	Multi-Trunk Caliper*	Minimum Height
Specimen	18" caliper width or greater	N/A	any height
Heritage	any caliper size	any caliper size	any height

* Multi-trunk caliper is generally calculated by taking the caliper of the largest trunk and adding 1/2 of the caliper values of each of the other trunks. Caliper width for existing trees is generally measured at forty-eight inches (48") above natural grade.

- (2) Replacement trees should be sized in accordance with the caliper sizes established by the Texas Association of Nurserymen Grades and Standards, and *Tree Preservation Policy*

are strongly recommended to have a minimum caliper of four inches (4") and a minimum height of nine feet (9') at the time of planting. Replacement trees are strongly recommended to be of the following native and locally adapted species:

Common Name	Scientific Name
Live Oak	<i>Quercus virginiana</i>
Monterrey Oak	<i>Quercus polymorpha</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Burr Oak	<i>Quercus macrocarpa</i>
Lacey Oak	<i>Quercus laceyi</i>
Texas Red Oak	<i>Quercus texana</i>
Cedar Elm	<i>Ulmus crassifolia</i>
Arizona Cypress	<i>Cupressus arizonica</i>
Montezuma Cypress	<i>Taxodium mucronatum</i>
Bald Cypress	<i>Taxodium distichum</i>
Pecan	<i>Carya illinoinensis</i>
Uvalde Big Tooth Maple	<i>Acer grandidentatum</i>
Anacua	<i>Ehretia anacua</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>

Sec. 8 - Tree removal and mitigation recommendations.

- (1) No specimen or heritage tree should be removed unless absolutely necessary.
- (2) Removal of specimen and heritage trees are strongly recommended to be mitigated by planting, replanting, relocating, or leaving in place replacement tree(s) having at least a total caliper width equal to the total caliper width removed (i.e., at a 1" to 1" ratio), in accordance with the following guidelines:
 - (a) No more than 35% of the total replacement trees should be of the same species.

- (b) At least 50% of the replacement trees should exceed six inches (6") in caliper width.
- (c) Replacement trees should be dispersed throughout the site, particularly within front yard areas and within publicly visible parking lots, as much as possible. No replacement trees shall be planted in utility easement or right-of-way areas unless authorized in writing by the City and/or by the utility agency who owns or controls such areas.

Sec. 9 - Tree protection recommendations.

The following tree protection measures are strongly recommended:

- (1) Prior to construction or land development, minimum four foot (4') tall plastic (or equivalent) safety fencing should be installed around the entire dripline of specimen, heritage, and replacement trees.
- (2) The cleaning of equipment or materials or the disposal of any waste material, including paints, oil, solvents, asphalt, concrete, and mortar is strongly discouraged under the canopy or within the dripline of any specimen, heritage, or replacement tree (or group thereof).
- (3) No attachments or wires of any kind, other than those of a protective nature, should be attached to any tree.
- (4) With grade changes of six inches (6") or greater, a retaining wall or tree well of rock, brick, landscape timbers, or other approved materials should be constructed around the tree no closer than the dripline of the tree. The top of the retaining wall or tree well should be constructed at the new grade.
- (5) No construction or construction related activity should occur under the dripline of any specimen, heritage, or replacement tree (or group thereof). If a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive, or parking lot must be constructed within the dripline of said trees, it should be constructed, under the supervision of a certified arborist, no closer than five feet (5') from the trunk of such trees. A driveway or parking lot that must be constructed within the dripline of any specimen, heritage, or replacement tree (or group thereof) should be constructed of pervious materials.
- (6) Any trees removed during land development, construction, or construction-related activities shall be completely removed from the site unless such are chipped to be used as landscaping mulch on the site.
- (7) The location of all proposed buildings and improvements should be oriented to allow for the maximum preservation of specimen and heritage trees.

(8) Site plans should, to the extent practicable, accommodate existing trees by providing islands in parking lots and grading and landscaping surrounding structures.