

UDO Amendment OA-01-20

Tree and Vegetation Protection

August 17, 2020



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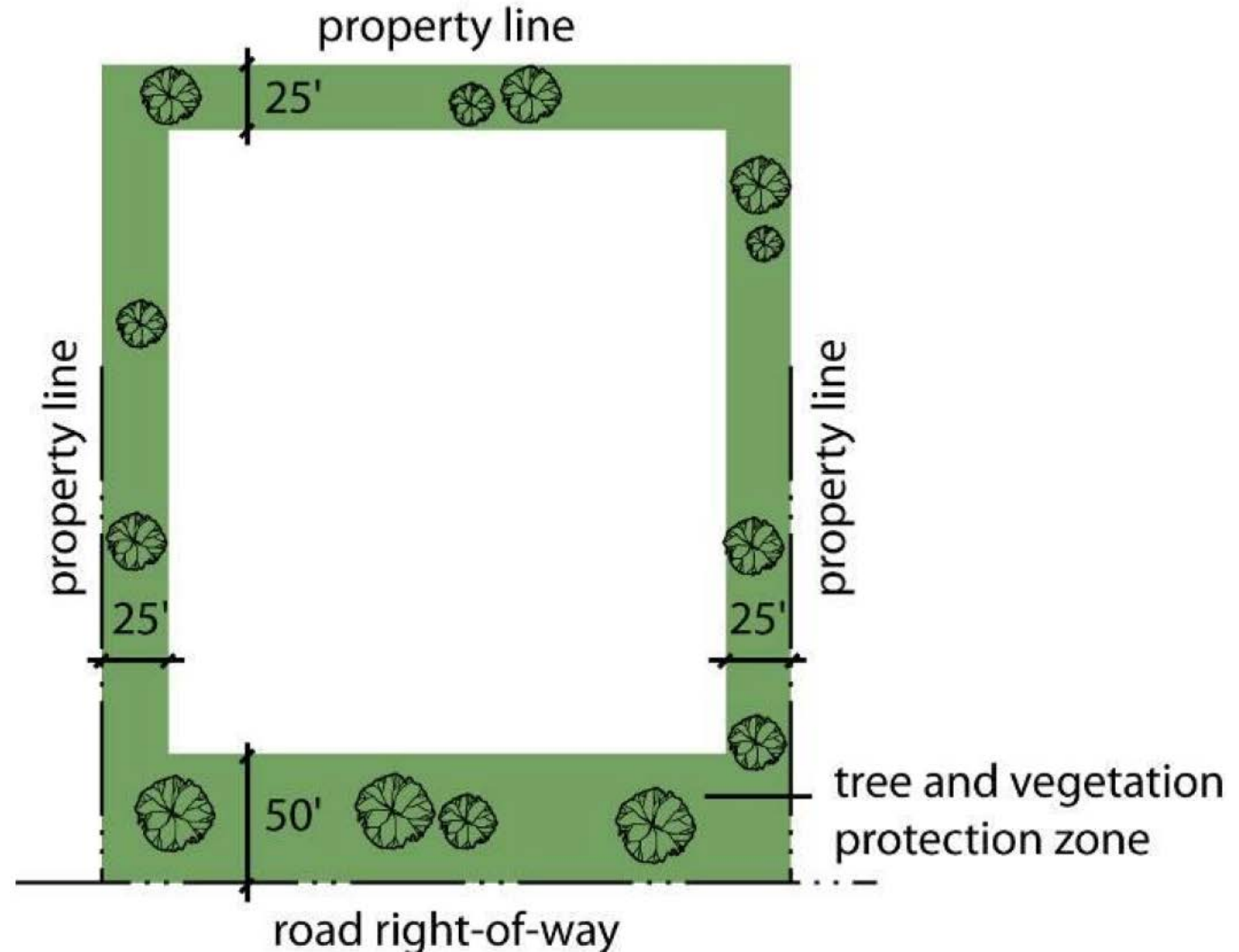
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Purpose

Amend the Wake County Unified Development Ordinance (UDO) in order to clarify and modify the regulations relative to encroachments into the Tree and Vegetation Protection Zone

Background

- The UDO currently provides regulations to protect existing trees and vegetation around the outer perimeter of a development site
- The purpose is to enhance the visual character, control runoff, and increase absorption



Background

- Encroachments into the zone are allowed (public utilities, driveways, construction access)
- Septic systems are also allowed to encroach into the zone if a qualified soil scientist determines that such location is the only feasible and safe alternative

The Problem

- Several resident inquiries expressing concern about clearing of trees in the tree and vegetation protection zone
- The County has initiated several enforcement actions on developers/builders who did not meet the requirements
 - Unauthorized encroachments with septic systems
 - More trees removed than allowed
- An appeal case was heard by the Board of Adjustment challenging the legality of an encroachment into the tree and vegetation protection zone

Overview of Text Amendments

- 1) Amend UDO Section 16-12 *Landscaping and Tree Protection* that accomplish the following:
 - Require the soil scientist to submit documentation indicating the septic system's encroachment into the buffer is the only feasible and safe alternative
 - Require the soil scientist to identify the septic system's limits of disturbance into the buffer
 - Require the unauthorized removal of trees and vegetation be replaced with a standard landscape buffer as defined in UDO Section 16-10-2 (F)(4)
- 2) Amend UDO Section 21-11 *Definitions* by removing the definition of Protected Tree

Staff Findings

- 1) Provides a record, from the design professional, that encroachment of the on-site septic system into the Tree and Vegetation Protection Zone is the only safe and feasible alternative
- 2) Requires the soil scientist to identify the septic system's limits of disturbance into the Tree and Vegetation Protection Zone
- 3) Simplifies remediation for unauthorized removal of trees and vegetation
- 4) Provides clarity in enforcement of the Tree and Vegetation Protection Zone



Public Comment

Staff Recommendation

That the Board of Commissioners:

- 1) Adopts the drafted statement of consistency with the Land Use Plan and Unified Development Ordinance; and is reasonable and in the public interest
- 2) Approves Ordinance Amendment OA-01-20 as presented

Planning Board Recommendation

That the Board of Commissioners:

- 1) Adopts the drafted statement of consistency with the Land Use Plan and Unified Development Ordinance; and is reasonable and in the public interest
- 2) Approves Ordinance Amendment OA-01-20 as presented

The Planning Board voted unanimously to recommend approval of both motions at their May 6, 2020 meeting

Suggested Board of Commissioners Motion

That the Board of Commissioners:

- 1) Adopts the drafted statement of consistency with the Land Use Plan and Unified Development Ordinance; and is reasonable and in the public interest

and by separate motion;

- 2) Approves Ordinance Amendment OA-01-20 as presented

Next Steps

Pursuant to NC Session Law 2020-3, public comment will be received up to August 18, 2020 at 5:00PM at this website

<http://www.wakegov.com/commissioners/Pages/signup.aspx>

The Board will consider action on this item at their next meeting on September 8, 2020 at 5:00 PM