

Developers' Tree Removal Worries Some

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05:25 PM CDT on Saturday, August 18, 2007

By [ALLEN HOUSTON](#) / The Dallas Morning News



COURTNEY PERRY/DMN

Dottie Hind, whose front yard has two oaks more than 150 years old, says trees are what make a home.

John Mitchell traced the ring of circles on the fallen live oak tree near his Forest Hills home as though he were reading Braille.

"How old do you think this tree is?" he asked. "Sixty, 80 years?"

Phil Erwin, acting chief arborist for the city of Dallas, stepped over broken limbs, swept a handful of dust from the freshly shorn trunk and gave his estimate.

"I'd place it at least 50 years," he said.

Forest Hills, just east of White Rock Lake, is home to a verdant tapestry of old-growth trees that canopy the neighborhood in a cocoon. But that canopy is shrinking.

The same is true in many of Dallas' older neighborhoods; where original homes and their trees are being torn down to make way for new construction.

While most developers know how to remove the trees in accordance with the city ordinance, the practice is still creating division among neighbors and builders as they struggle to balance the uniqueness of their communities with redevelopment.

Builders say that along with meeting the demands of the housing market, they also are doing their part to maintain the area's tree canopy.

"No one has done more to plant trees in the city than builders and developers," said Paul Cauduro, director of government relations for the Home Builder Association of Greater Dallas. "Those days of clear-cutting sites are gone. That's an old image of developers."

But that doesn't ease the concerns of people like Dottie Hind, who has seen her North Dallas neighborhood go through drastic redevelopment in the last five years.

"Trees are what make a home and stability," said Ms. Hind, who lives in Melshire Estates off Preston Road.

She has two oak trees in her front yard that are more than 150 years old – and they are the main reason she moved into the neighborhood.

"If they are taken care of, they will be here long after we're gone," she added. "If they cut many more trees down around here, it's going to look like any other cookie-cutter neighborhood."

Removal rights

Mr. Mitchell, president of a technology solutions company, was at work when his wife, Camilla, called to let him know a man with a chain saw was cutting down trees in the backyard next door. By the time that he made it home, the worker had cut down six old-growth trees and was about to start on another.

All around, toppled trunks and remains of trees dotted the landscape. A half-dozen or so white Xs were spray-painted on those still to be removed.

"I'm not much of a tree-hugger, but it seemed like they were cutting down trees that they didn't need to," said Mr. Mitchell, who has lived in the neighborhood for 11 years. "It was a desecration."

He contacted the builder, Kelly Clark, another Forest Hills resident.

Mr. Clark, owner and operator of Clark & Associates, has seven properties in Forest Hills, and he is building a 6,000-square-foot home next to Mr. Mitchell's house.

He told Mr. Mitchell that he was following guidelines established by the city that gave him the right to remove the trees.

Under Article 10 of the Dallas Landscape and Tree Preservation Ordinance, the trees on a property are not protected as long as the original house stands or until the owner applies for a demolition permit. That gives builders a window for tree removal.

Once builders apply for a demolition permit, trees fall under the protection guidelines, and the city requires that the builder or developer submit a tree survey. Trees on the property remain within protection guidelines until the builder of the new house obtains a final inspection. Then the lot reverts back to the homeowner's jurisdiction.

"If someone wants to build their dream house and there's a tree where the foundation is going to go, then it has to be removed," Mr. Clark said. "If someone pays \$300,000 for a large property and there's a shotgun house on it, then the person purchasing it is probably going to want to develop it."

Homeowners have almost complete freedom on how they manage trees on their property. If they want to mow down every tree on their property, no matter how old, it's perfectly within their right.

Private property makes up the overwhelming bulk of Dallas' urban forest, according to Walter Passmore, city forester. He estimates that 85 percent of the urban forest is privately owned, while there are 21,000 acres of parkland in the city, not including the Great Trinity Forest.

Any protected trees removed are subject to mitigation on an inch-for-inch basis. A base tree of 8 inches in diameter, roughly 15 years old, costs \$1,090 dollars. The city charges \$36 per inch for every inch beyond that.

Homeowners or developers can replant trees caliper inch by inch on the property or pay the fee into the city's Reforestation Fund. Those funds are used to purchase trees that neighborhoods and other community groups plant in parks, other public property or medians in front of homes.

Neighbors in Lakewood Heights in East Dallas have planted more than 100 trees in the past year in public easements through the reforestation program to make up for trees disappearing from the area.

"For a lot of us, trees are a big part of the reason we fell in love with the area," said Carrie Mosley, who leads the tree-planting initiative for the neighborhood.

Tough to track

The city has just four arborists, making it difficult to track violations. They cover as much territory as possible, but it's impossible to know for certain that tree preservation rules are being followed on construction sites, Mr. Erwin said.

"We can cite the builder if they aren't following the rules, but it's a matter of knowing that it's going on as well," Mr. Erwin said.

Builders say they agree with the current tree ordinance and the freedom it gives property owners over their land. They fear that changes could stifle growth and place undue burdens on development.

"You have to be careful when you're talking about regulations because they can get out of hand," said builder Joe Cain. "No one wants their tax base to go up because redevelopment is slowed down."

Mr. Cauduro added: "The owners of the lot are the ones that control the building activity on the property. It's at the behest of the homeowner that trees are removed."

He said strict regulations might make it difficult for residents to add rooms, build swimming pools or do other work on their property.

The Dallas Urban Forest Advisory Committee was formed about 1 ½ years ago to address tree preservation issues. Steve Houser, the committee's chairman and a certified arborist, said he believes that Dallas' tree canopy will continue to shrink in the next 10 to 15 years because of redevelopment and other issues, causing more of an urban heat island effect, with dirtier air and warmer temperatures.

The committee is raising money to conduct the first-ever Dallas tree survey, mapping how many trees are in the city so they can come up with a plan to manage the urban forest.

Mr. Houser said that his panel has worked with the Parks Department, but that nobody from the City Council has sought the group's input on development issues.

"We've been down there more than a year and no one on has asked our input on any of those issues," he said. " ... It's disheartening, because we thought that we would be providing our expertise; instead, we've been window dressing."

Dallas City Council member Pauline Medrano, who was a member of the Urban Forest Advisory Committee during her last term, agreed that the committee should be briefing the council on development projects and other tree-related issues.

"There's a lot of expertise on the committee, and we should tap into that," she said.

Despite today's concerns, Mr. Erwin, the acting chief arborist, is looking forward to the next 40 years, when many of the trees now being planted will help fill out the city's canopy.

"The city is going through growing pains right now," he said.

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