

Strengthening Tree Preservation Standards

Encouraging efficient land use and growing a healthier urban forest

This proposal updates the tree rules in Fayetteville's Unified Development Code (UDC). It focuses on tree health by requiring enough healthy soil for them to survive, and making sure they actually do. Yard tree rules would scale with lot size, and large existing trees get new protections. The changes keep missing-middle housing (duplexes, townhomes, and small apartment buildings) practical to build.

Policy 1. Give Trees Enough Soil

Arkansas subsoil compaction (95% Proctor density) structurally prevents root establishment, resulting in mitigation trees that fail post-bond release.

- **Volumetric Minimums:** Mandate 1,000 cubic feet of continuous, uncompacted soil for every required large-canopy mitigation or yard tree.
- **Decompaction Standard:** Any area designated for required planting outside the building pad that undergoes mass grading must be mechanically ripped/decompacted to an 18-inch depth and amended with topsoil.
- **Shared Root Zones:** Allow a 25% volumetric reduction when trees share a continuous uncompacted soil trench or cell structure.

Policy 2. Yard Tree Requirements That Scale to Lot Size (New Development)

Yard tree requirements must scale with lot size to recognize the ecological cost of sprawl and protect the financial viability of compact, efficient land use.

- **All tiers:** Street tree requirements of 1 per 30 linear feet remain constant.
 - **Tier 1 (Under 4,000 sq ft):** Street tree(s) only.
Exempts efficient, missing-middle housing from yard requirements that conflict with foundation pads and utilities spacing. Pair this with pocket-park and greenspace requirements to ensure equitable distribution of urban canopy and heat island mitigation.
 - **Tier 2 (4,000 – 7,999 sq ft):** Street + 1 Yard Tree.
 - **Tier 3 (8,000 – 11,999 sq ft):** Street + 2 Yard Trees (Front/Rear).
 - **Tier 4 (12,000+ sq ft):** Street + 2 Yard Trees + 1 additional yard tree per 3,000 sq ft above the half-acre (21,780 sq ft) mark.
- **The Release Valve:** For Tier 4 lots, developers may utilize the Tree Escrow fee-in-lieu for up to 50% of the trees required above the half-acre threshold, to fund public tree planting.
- **Preservation Multiplier:** Preserving a healthy 18"+ DBH Significant Tree grants a 1:3 credit against required yard trees. To prevent barren lots, preservation credits cannot reduce the absolute minimum yard tree stem count by more than 50%.
- **Solar Exclusion Zone:** Protect rooftop solar viability by waiving excess tree requirements if the uncompacted soil footprint forces planting within a defined southern solar access wedge.

Policy 3. Survival Bonds, Interim Inspections, and Enforcement Funding

The current 3-year establishment period fails to account for hotter, drier climate realities, and a lack of dedicated enforcement funding allows bonds to expire on dead trees.

- **5-Year Performance Bond:** Extend the Landscape Performance Bond for large-canopy species from 3 years to 5 years to promote climate-resilient root establishment.
- **24-Month Interim Inspection:** Require a mandatory midway inspection. Any dead or diseased trees must be replaced immediately, resetting the 5-year clock for those specific trees and preventing developers from planting saplings days before the final bond release.
- **Dedicated Inspection Fee:** Institute a non-refundable "Landscape Compliance Inspection Fee" (e.g., \$100 per required tree) assessed at the issuance of the grading or building permit. This revenue is restricted to fund the Urban Forestry Inspector positions required to execute the 24-month and 5-year audits.

Policy 4. Protecting Mature Trees on Existing Lots (Existing Residential)

Recognizing Arkansas property rights, these policies utilize speed bumps, targeted triggers, and financial incentives rather than bans on existing homeowners.

- **The "Substantial Expansion" Trigger:** Existing single-family lots remain exempt from yard tree mandates *unless* a building permit expands the primary structure's impervious footprint by more than 50% or 1,200 sq ft.
- **ADU Exemption:** To support housing density, Accessory Dwelling Units (ADUs) do not trigger whole-lot UDC compliance. Trees explicitly removed for the ADU footprint require 1:1 mitigation, but the rest of the lot remains exempt.
- **Notice of Intent & The 7-Day Speed Bump:** Removal of any healthy 18"+ DBH tree on an existing lot requires a free "Notice of Intent" permit. This triggers a mandatory 7-day waiting period, requires a high-visibility notice sign posted in the yard, and includes a free consultation with the City Urban Forester to discuss preservation alternatives.
- **The Canopy Preservation Grant:** Allocate a percentage of the developer-funded Tree Escrow account to subsidize residential preservation. Homeowners with 24"+ DBH trees may apply for a 50% matching grant to cover structural pruning, cabling, or disease treatment by a certified arborist, contingent on a 5-year pledge not to remove the tree.
- **Commercial Cutter Accountability:** Shift the burden of the "Notice of Intent" to the commercial tree service providers. Performing unpermitted removals of 18"+ trees results in a municipal fine calibrated to the typical cost of the job itself to erase the profit motive (subject to the maximum allowed by state law). Repeat offenses trigger review and possible revocation of their Fayetteville business license.

