

TYPE E CRITERIA QUESTIONS

The City of Durham is characterized by a large number of trees that contribute to the ecology, scenic beauty, and livability of the City. Residents of Durham developed the Tree Ordinance with the intention of preserving as many trees as possible on developed and undeveloped property. Ordinance 228-05 and Chapter 5 of the Land Use Code regulate tree removals. Tree removal applications will be evaluated by criteria in Section 4 of Ordinance 228-05 and Chapter 5 of the Land Use Code.

A Type E tree removal permit is a Type 2 decision process. The Planning Commission makes all Type 2 decisions. Approval by the Planning Commission is not guaranteed; the applicant has the burden of proof and persuasion that the tree removal is necessary and meets the criteria for removal.

Please provide a narrative statement addressing each of the criteria below. You do not need to meet every criterion for approval. Please write complete sentences when addressing each of the criteria. In addition, please provide supporting documentation for statements made in the narrative.

1. Does the condition of the tree present a hazard such as a danger of falling, proximity to existing or proposed structures, interference with utility services or traffic safety, and risks to life or property? An arborist report is necessary to demonstrate the hazard potential.
2. Is it necessary to remove the tree to construct a proposed improvement? If the tree removal is necessary to build an improvement, then submit a site map showing the proposed location of the improvement. Clarify how the tree you plan to remove impacts your proposed improvement. Describe potential alternatives to build the improvement without removing the tree and why those alternatives do not work.
3. What is the effect of tree removal on erosion, soil retention, stability of earth, flow of surface water, protection of nearby trees, windbreaks and a desirable balance between shade and open space? Will cutting down the tree increase erosion or runoff or expose nearby trees to more wind? How will cutting down the tree affect the balance between shade and open space? Is the tree adjacent to an upland wooded corridor or streamside vegetated corridor?
4. What is the effect of the tree removal on the number of trees existing on the property and in the neighborhood? What are the sizes of the trees that would remain on the property? What is the impact of the tree removal on the neighborhood characteristics, beauty and property values?
 - a. Does the tree have distinctive character? Is it the only tree remaining tree on a property? Is the tree an Oregon white oak (*Quercus garryana*)?
 - b. Would removing the tree change the neighborhood skyline, as viewed from all public streets and properties within 300 ft. of the property?
 - c. Does the tree serve as a visual screen between a residential zone and an abutting non-residential zone or major arterials?
 - d. Is the tree greater than 50% of a stand of trees?
5. What is the species of tree that you are planning to plant to replace the tree? Where do you plan to plant it? Provide a map showing location and species of the tree to be planted.
6. Is the tree diseased? An arborist report is necessary to demonstrate this criterion.
7. Is the tree dead? A photo of the tree is required.