

Tree Preservation Policy

In 1949, the first section of the Tanglewood subdivision was platted. At that time, most of the land that became what is known today as Tanglewood was used for rice farming, grazing, and other crops and, thus, there were very few trees growing on the land. As new lots were developed and houses built, trees were planted on each lot as well as on the Tanglewood Boulevard esplanade. Fast forward fifty-eight years and what you find is an up-scale residential area with beautiful oak and other species of trees that provide a magnificent setting for a residential area. Because of the quantum leap in land value and the desirability of living in Tanglewood, the original ranch style homes are being replaced with spacious new homes. The availability of large lots and the desirable close-in location have resulted in much larger homes replacing the original homes, often covering a majority of the buildable area. In some cases, beautiful fifty year-old trees are being removed without making any effort to preserve them. Since approximately 85% of the new home construction in Tanglewood is being generated by speculative builders, tree decisions typically are not being made by the person who will occupy the new home. After careful study by the Deed Restrictions Committee, the following tree policy has been adopted by Tanglewood Homes Association ("THA") to address the challenge of preserving the invaluable tree resources in Tanglewood. This Tree Preservation Policy will become effective March 1, 2008.

Objectives of the Tree Preservation Policy

THIS POLICY ONLY APPLIES TO NEW HOME CONSTRUCTION, MAJOR REMODELING, (AS HEREIN DEFINED), OR THE REMOVAL OF TREES WHEN AN EXISTING HOME IS RAZED. THE POLICY COVERS TREES IN THE FRONT SETBACK AREA OF NON-CORNER LOTS AND THE FRONT AND STREET-SIDE SETBACK AREAS OF CORNER LOTS.

1. Establish a policy to protect trees during new home construction, Major Remodeling (as herein defined), or when an existing home is razed.
2. Establish and enforce tree preservation and planting requirements that will preserve and sustain the existence of mature shade trees growing throughout the Tanglewood subdivision.
3. Adopt a tree preservation policy that is realistic without making compliance overly burdensome to the builder/owner as well as enforcement by THA onerous.
4. Preserve mature trees that currently exist in the front setback areas and Right of Way ("ROW") of interior lots plus the side setback areas and ROW on corner lots.
5. Educate Owners about the Protection/Planting Requirements enforced by the City of Houston ("COH") governing trees located in the ROW in an effort to prevent trees from being illegally removed. The THA Tree Preservation Policy is intended to augment, not replace, the COH Protection/Planting Requirements.

Definitions

The following words and terms shall have the listed meanings, unless the context clearly indicates otherwise.

1. **Building Footprint** - The foundation area of the dwelling or other building complying with all applicable setbacks.
2. **Caliper** - The diameter of a tree trunk measured six inches (6") above grade. Caliper is a measurement commonly used on young trees of transplantable size.
3. **Critical Root Zone ("CRZ")** - The area of soil which extends radially from the trunk of a tree to the branch dripline, containing the majority of feeder roots required to sustain the life of the tree.
4. **Construction** -
 - a. Demolition of an existing home and subsequent construction of a new home and/or improvement.
 - b. Construction of new home on a vacant lot.
 - c. Major Remodeling, as herein defined.
 - d. Expansion of the driveway area in the front setback areas and Right of Way ("ROW") of interior lots plus the street-side setback areas and ROW on corner lots.
5. **Diameter** - The diameter of a tree trunk measured four and one-half feet (4 ½ ') above grade. Diameter is the measurement commonly used for trees considered too large to transplant.
6. **Large Lots** – Lots with a front width of more than sixty-five feet (65').
7. **Lot** - The area within the property lines of a lot as shown on the applicable plat, excluding ROW.
8. **Major Remodeling** – Any construction which increases the Building Footprint of the existing dwelling by 20% or more.
9. **New or Replacement Tree** -
 - b. For Small Lots, any tree with a Caliper of at least four inches (4 ") and a minimum height of twelve feet (12') tall and listed on THA Small Trees Planting List.
 - b. For Large Lots, any tree with a Caliper of at least six inches (6") and a minimum of fifteen feet (15') tall listed on THA Large Trees Planting List.
10. **Professional** - One who has a degree in landscape architecture, forestry, horticulture, or related field with a minimum of 5 years experience.
11. **Protected Tree** - All trees located in the front setback area of an interior Lot and the front and side setback area of a corner Lot, excluding hackberry, cottonwoods, and Chinese tallow trees, with a trunk or trunks fifteen inches (15") in diameter and larger measured four and one-half feet (4 ½ ') feet above grade. If the trunk of a tree straddles the property line, the tree is deemed to be located in the area where the predominance of the trunk is situated. Trees in the ROW are protected by the COH tree ordinance referenced herein. THA shall be the final authority over any disputes determining tree location.

12. **Right of Way** - The unpaved area between the street and the property line on each Lot. (The typical area platted for streets is sixty feet (60') wide, and after deducting the actual paved street area, the width of the remaining unpaved grass area on each side of the street is approximately sixteen feet (16') measured from the back of the street curb to the property line, referenced herein as ROW.) A tree within the ROW is protected under the COH Tree Ordinance. Refer to the COH Current Protection/Planting Requirements shown on page 6.
13. **Setback Areas** – The setback areas applicable to a Lot as designated by the then current Tanglewood subdivision deed restrictions. For non-corner Lots, the “Setback Area” (for purposes of this Tree Preservation Policy only) shall mean the front Setback Area facing the street and for corner Lots, the “Setback Area(s)” shall mean the front and street-side Setback Area.
14. **Signage** - An eleven by eight and one-half inch (11" x 8 ½") sign posted on each Tree Protection Fence containing the following wording written in both English and Spanish:

TREE PROTECTION
FENCING
DO NOT REMOVE

CERCASPARA
PROTECCION de ARBOLES
FAVOR DE NO REMOVER

15. **Small Lots** - Lots with a front width of sixty-five feet (65') or less.
16. **TBA Tree Fund** - A fund ("Fund") established to hold mitigation payments. All sums collected shall be designated to be used to plant new trees or to maintain established trees located in common areas.
17. **Tree Protection Fence** – A barrier constructed using the specifications attached hereto encompassing the CRZ to prevent damage to the CRZ resulting from materials storage, vehicle traffic, etc.
18. **Tree Survey and Disposition Plan ("Plan")** -
 - a. A site plan drawn to scale prepared by a Professional identifying all Protected Trees and CRZs on the Lot and ROW, including any Protected Trees on any adjoining Lot and ROW which have more than 30% of their CRZ on the subject Lot. A caption for each Protected Tree should indicate whether the tree will be protected or removed. The required Tree Protection Fence referenced below must be shown on the site plan for each Protected Tree to remain on the Lot. The site plan also should show where each Replacement Tree will be planted.
 - b. To remove any Protected Tree identified on the site plan for the Lot in the front setback area of interior lots plus the side setback area on a corner Lot during construction or remodeling and for a period of one (1) year after completion thereof, a written request must be submitted, which shall include the reason why the tree has to be removed. For any tree to be removed, the location, species, and size of the Replacement Tree must be shown on the Plan.

- c. A copy of the permit from the COH Parks and Recreation Department ("Parks Department") authorizing the removal of any Protected Tree in the ROW.

Care of Trees During Construction

Construction activities on a Lot containing mature trees can be life threatening if certain protective measures are not implemented and enforced, beginning with design of the new structure. Construction activities may cause irreparable damage to limbs and trunks as well as to soils and roots, which often can be the most damaging to the long-term health of a tree.

Damaging Conditions to Avoid During Construction

The aim of the THA Tree Preservation Policy is to mitigate damage to Protected Trees by eliminating or reducing the impact of the following:

- Compaction of soil within CRZs by equipment, vehicles, foot traffic, and materials storage.
- Suffocation of roots by adding select fill or soil with high clay content and/or adding prepared bedding soil, topsoil, or other growing medium in excess of three inches (3") to areas within the CRZ.
- Damage to trunk and limbs resulting from, but not limited to, contact with equipment and/or vehicles.
- Contamination by poisoning from solvents, fuel, and other injurious materials being poured on or near the CRZ.
- Modification of soil pH within the CRZ by depositing concrete, powdered lime, or other materials used to stabilize or dehydrate soils.
- Damage to roots measuring one inch (1") in diameter and larger within the CRZ.
- Scorching of foliage, twigs, and limbs by direct contact with hot exhaust from equipment or vehicles.
- Prevention of damage to tree or branches resulting from improper pruning or trimming, such as striping interior growth - no Lion Tailing.

Requirements

(Applicable only to new home construction, major remodeling as herein defined above in paragraph one of Objectives of the Tree Preservation Policy, or when an existing home is razed.)

1. Owner must protect and preserve Protected Trees located in the Setback Area and ROW that appear to be in good condition, all of which are subject to the THA Tree Preservation Policy and the COH Tree Ordinance referenced herein. Each Lot is subject to a minimum number of trees as provided for herein.
2. Owner must submit a Tree Survey and Disposition Plan to THA for review and approval prior to demolition of an existing house. In the case of a vacant Lot, the Tree Survey and Disposition Plan must be submitted as part of construction plans before any Construction commences on a Lot.
3. Owner must observe the following tree requirements:
 - a. Each Small Lot and ROW combined must have a minimum of two (2) Small Trees in the front setback area and/or ROW. A corner Lot shall have a

- minimum of three (3) Small Trees in the front and side setback areas and/or ROW. Existing or replacement trees will qualify and must be on either the THA Small or Large Trees Planting List attached hereto. Up to two of the Required Trees may be within the ROW in either instance.
- b. Each Large Lot and ROW combined must have a minimum of two (2) Large Trees in the front setback area and/or ROW. A corner Lot shall have a minimum of three (3) Large Trees in the front and side setback areas and ROW. Existing or replacement trees will qualify and must be on the THA Large Trees Planting List attached hereto. Up to two of the Required Trees may be within the ROW in either instance.
4. Owner will be allowed to remove a Protected Tree that is diseased or growing within fifteen feet (15') of a proposed house foundation, but constructing a circular drive is not deemed to be justification for removing a Protected Tree. It is not necessary to replace a Protected Tree that is approved to be removed if the Owner complies with the minimum number of trees in the front setback area and ROW or in the side setback area and ROW of corner Lots specified herein.
 5. Chinese tallow, cottonwoods, and hackberry trees are not Protected Trees and may be removed from a Lot once the Tree Survey and Disposition Plan is approved by THA.
 6. Removal of Protected Trees -
 - a. It is a violation of THA's Tree Preservation Policy for any person to remove a Protected Tree without first obtaining a Tree Removal Permit ("Permit") from THA. The Owner of the Lot is subject to a mitigation fee in an amount equal to \$1,000 per Diameter inch of trunk multiplied by the Diameter inches of the Protected Tree removed if the removal occurs without obtaining a Permit.
 - b. It is a violation of the COH Ordinance for any person to remove a Protected Tree located within the ROW without receiving authority to do so by obtaining a permit from the COH Parks Department. The permit must be submitted to THA before any tree work is performed. Reference is made to the COH Protection/Planting Requirements for rules and regulations governing trees located within the ROW.
 - c. If a Protected Tree has an incurable, life threatening disease, it may be removed, but evidence that the tree is diseased must be submitted to THA prior to its removal. After evidence is submitted, THA will issue a Permit to remove the diseased tree.
 7. Owner's rights if a Protected Tree unreasonably prevents full use of Lot:
 - a. In the unlikely event a Protected Tree prevents full use of the property other than for conditions stipulated herein qualifying for approved removal, the Protected Tree may be removed upon obtaining approval from THA. Owner must show a compelling reason to remove a Protected Tree and must be able to demonstrate that all reasonable options have been exhausted; provided however, in no event shall an Owner be required to reduce or modify the size or location of the permissible building area on the Lot. If the Protected Tree is approved to be removed, the Lot must be in compliance with the minimum number of trees required herein. However, a new tree required to fulfill the requirement for the minimum number of trees shall not be required to be planted nearer than thirty feet (30') to another Large Tree.

- b. In the unusual circumstance where it is not practical or feasible to plant replacement trees in the front setback area and ROW and/or the side setback area and ROW of a corner Lot, a mitigation payment must be made to the THA Tree Fund in an amount equal to \$500 per Diameter inch of trunk multiplied by the diameter inches of the Protected Tree to be removed. For example, the mitigation payment for a thirty inch (30") tree would be \$15,000. (\$500 x 30" = \$15,000). THA shall be the final authority to determine whether planting a replacement tree is practical or feasible.
- c. A permit must be obtained from the Parks Department to remove a tree located in the ROW. The permit must be submitted to THA as provided for herein. The COH Protection/Planting Requirements are referenced below.
8. A one (1) year replacement guarantee is required for all Replacement Trees that are planted. If a newly-planted tree dies within a one (1) year period from the earlier of planting the tree or Owner's occupancy, the dead tree must be replaced by Owner with a tree from the applicable THA Small or Large Tree Planting List. Only one replacement is required. There is no penalty if a mature tree dies.
9. No fee will be charged by THA for review and approval of the Tree Survey and Disposition Plan.
10. If THA determines that any Protected Tree has been removed without obtaining an applicable Permit, notwithstanding the prior approval by THA of plans for the construction of the improvement, construction on the Lot shall cease immediately upon request of THA and shall not resume until Owner complies with all provisions of the THA Tree Preservation Policy and/or COH Tree Ordinance.
11. Care of Protected Trees during construction is a requirement and will be subject to the provisions of the Builder's Deposit Agreement.

City of Houston Current Protection/Planting Requirements

A tree within the street ROW is protected by Ordinance, which is enforced by the Parks Department.

Trees covered by the ordinance include trees on the COH's Street Tree List that have a Caliper of more than one and one-half inch (1½"). A permit from the Parks Department is required for the removal of any listed tree in the ROW.

For all other species not included on the COH Street Tree List, a permit is required for removal of any tree with a Diameter of more than twenty inches (20"). The COH Street Tree List is attached hereto for reference.

Additional information regarding the COH tree requirements:

The COH Ordinance requires one new tree to be planted on single family lots of less than 5,000 square feet and two trees for lots of more than 5,000 square feet.

Information about the COH Current Protection/Planting Requirements is provided for reference purposes only. For the most up-to-date and complete information, refer to the Parks Department.

TANGLEWOOD HOMES ASSOCIATION
PLANTING LIST OF

LARGE TREES

Scientific Name	Common Name
<i>Acer rubrum</i>	Red maple
<i>Acer rubrum</i> var. <i>drummondii</i>	Trident red maple
<i>Carya illinoensis</i>	Pecan
<i>Juglans nigra</i>	Black walnut
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Platanus Mexicana</i>	Mexican sycamore
<i>Quercus acutissima</i>	Sawtooth oak
<i>Quercus alba</i>	White oak
<i>Quercus falcata</i>	Southern red oak
<i>Quercus laurifolia</i>	Laurel oak
<i>Quercus lyrata</i>	Overcup oak
<i>Quercus macrocarpa</i>	Bur oak
<i>Quercus muehlenbergii</i>	Chinkapin oak
<i>Quercus nigra</i>	Water oak
<i>Quercus nuttallii</i>	Nuttall oak
<i>Quercus phellos</i>	Willow oak
<i>Quercus polymorpha</i>	Monterray oak
<i>Quercus shumardii</i>	Shumard oak
<i>Quercus virginiana</i>	Live oak
<i>Ulmus Americana</i>	American elm
<i>Ulmus crassifolia</i>	Cedar elm

SMALL TREES

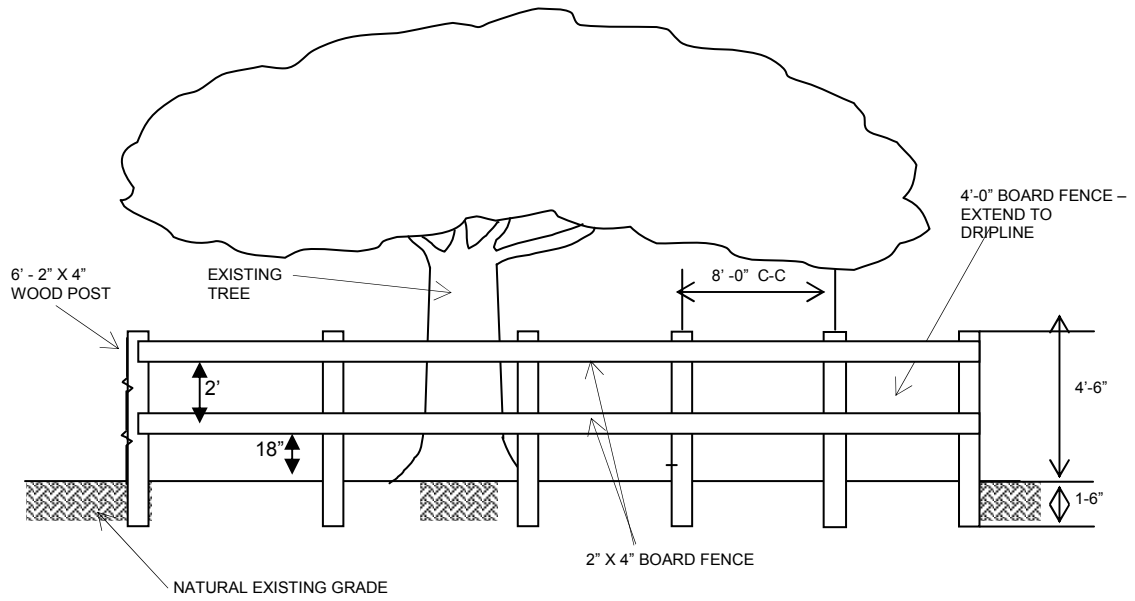
Scientific Name	Common Name
<i>Bumelia lanuginosa</i>	Wholly bucket
<i>Diospyros texana</i>	Texas persimmon
<i>Ehretia anacua</i>	Anacua
<i>Fraxinus texensis</i>	Texas ash
<i>Ilex opaca</i>	American Holly
<i>Ilex attenuata</i> var. <i>East Palatka</i>	East Palatka holly
<i>Ilex attenuata</i> var. <i>Savannah</i>	Savannah holly
<i>Magnolia virginiana</i>	Sweetbay magnolia
<i>Pistacia chinensis</i>	Chinese pistache
<i>Prunus serotina</i>	Black cherry
<i>Quercus cambii</i>	Camby oak
<i>Tilia caroliniana</i>	Basswood

City of Houston Street Tree List

Scientific Name	Common Name	Height	Spread	Growth Rate	Comments
Large Trees					
<i>Acer barbatum</i>	Texas sugar maple	Large	30	Medium	Fall color
<i>Acer rubrum</i>	Red maple	Large	30	Medium	Fall color
<i>Carya illinoensis</i>	Pecan	Large	50	Slow	Fruit
<i>Carya texana</i>	Black hickory	Large	20	Slow	Fall color
<i>Fraxinus americana</i>	White ash	Large	40	Fast	Fall color
<i>Ginkgo biloba</i>	Ginkgo	Large	40	Slow	Fall color/male only
<i>Juglans nigra</i>	Black walnut	Large	40	Slow	Fall color
<i>Liquidambar styraciflua</i>	Sweetgum	Large	40	Fast	Fall color
<i>Magnolia grandiflora</i>	Southern magnolia	Large	45	Slow	Evergreen
<i>Nyssa sylvatica</i>	Black gum	Large	30	Medium	Fall color
<i>Pinus taeda</i>	Loblolly pine	Large	30	Fast	Evergreen
<i>Platanus mexicana</i>	Mexican sycamore	Large	50	Fast	Unique leaf
<i>Quercus acutissima</i>	Sawtooth oak	Large	40	Fast	Drought tolerant
<i>Quercus alba</i>	White oak	Large	50	Slow	Sandy soils
<i>Quercus falcata</i>	Southern red oak	Large	40	Slow	Fall color
<i>Quercus laurifolia</i>	Laurel oak	Large	40	Slow	Semi-evergreen
<i>Quercus lyrata</i>	Overcup oak	Large	40	Slow	Large acorn
<i>Quercus macrocarpa</i>	Bur oak	Large	50	Slow	Large acorn
<i>Quercus michauxii</i>	Swamp chestnut oak	Large	40	Slow	Fall color
<i>Quercus muehlenbergii</i>	Chinkapin oak	Large	40	Slow	Fall color
<i>Quercus nigra</i>	Water oak	Large	40	Medium	Deciduous
<i>Quercus nutallii</i>	Nuttall oak	Large	40	Medium	Fall color
<i>Quercus phellos</i>	Willow oak	Large	40	Medium	Deciduous
<i>Quercus polymorpha</i>	Monterray oak	Large	40	Fast	Drought tolerant
<i>Quercus rizophyllia</i>	Loquat leaf oak	Large	40	Fast	Drought tolerant
<i>Quercus shumardii</i>	Shumard oak	Large	40	Slow	Fall color
<i>Quercus stellata</i>	Post oak	Large	40	Slow	Deciduous
<i>Quercus virginiana</i>	Live oak	Large	50	Slow	Semi-evergreen
<i>Taxodium distichum</i>	Bald cypress	Large	30	Fast	Deciduous
<i>Taxodium mucronatum</i>	Montezuma cypress	Large	40	Fast	Semi-evergreen
<i>Ulmus alata</i>	Winged elm	Large	30	Medium	Drought tolerant
<i>Ulmus crassifolia</i>	Cedar elm	Large	30	Medium	Drought tolerant
<i>Ulmus parvifolia</i>	Chinese elm	Large	30	Fast	Unique bark
<i>Ulmus parvifolia var Drakii</i>	Drake elm	Large	30	Fast	Unique bark
<i>Ulmus parvifolia var Emer II</i>	Allee elm	Large	30	Fast	Drought tolerant

Small Trees

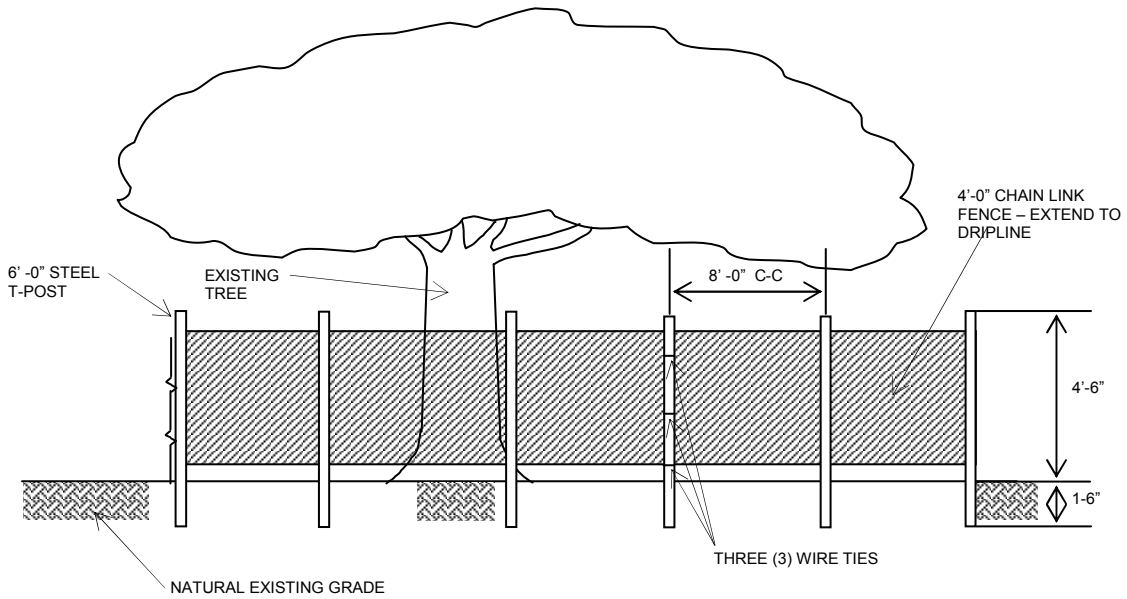
<i>Bumelia lanuginosa*</i>	Wholly bucket	Small	30	Slow	Unique leaf
<i>Diospyros virginiana*</i>	Texas persimmon	Small	20	Medium	Drought tolerant
<i>Ehretia anacua*</i>	Anacua	Small	20	Slow	Unique leaf
<i>Fraxinus texensis*</i>	Texas ash	Small	25	Fast	Deciduous
<i>Ilex opaca*</i>	American holly	Small	15	Slow	Evergreen
<i>Ilex x attenuata var East palatka*</i>	East palatka holly	Small	15	Slow	Evergreen
<i>Ilex x attenuata var Savannah*</i>	Savannah holly	Small	15	Slow	Evergreen
<i>Magnolia virginiana*</i>	Sweetbay magnolia	Small	20	Slow	Evergreen
<i>Pistacia chinensis*</i>	Chinese pistache	Small	25	Slow	Fall color
<i>Prunus serotina*</i>	Black cherry	Small	20	Medium	Unique leaf
<i>Quercus cambii*</i>	Camby oak	Small	20	Medium	Drought tolerant
<i>Tilia carolinana*</i>	Basswood	Small	15	Slow	Large leaf



SECTION VIEW

NOT TO SCALE

TREE PROTECTION FENCING



SECTION VIEW

NOT TO SCALE

TREE PROTECTION FENCING
