

RESOLUTION NO.

WHEREAS, in 1984, Austin passed one of the first tree protection ordinances in the country, establishing protections for trees with diameters of 19 inches or more; and

WHEREAS, in 2010, City Council amended its protected tree provisions to classify trees of a certain species and with diameters of 24 inches or more as heritage trees; and

WHEREAS, since amending the protected tree provisions in 2010, the City has passed several new plans and goals that address trees, including the City’s 2013 Comprehensive Plan, the 2014 Urban Forestry Plan, the Climate Equity Plan, and the Climate Resilience Action Plan; and

WHEREAS, according to the 2014 Urban Forestry Plan, single family homes have a significant impact on the City’s canopy cover; and

WHEREAS, the Climate Equity Plan sets a goal of 50 percent tree canopy citywide by 2050; and

WHEREAS, the City achieved 41 percent of tree cover in 2022, but to achieve the goal of 50 percent, the City needs to preserve the existing tree canopy, in addition to planting new trees; and

WHEREAS, on December 7, 2023, as part of adoption of the HOME Phase 1 Code amendments, City Council directed the City Manager to provide recommendations to increase tree preservation and planting, explore gaps

23 in tree-planting requirements, and incentivize protection of non-regulated trees and
24 trees in the setback; and

25 **WHEREAS**, trees with diameters less than 19 inches are currently
26 unprotected by City Code on residential properties; however, the majority of trees
27 on residential sites have diameters under 19 inches; and

28 **WHEREAS**, there is a need to clarify the intent of the City's tree ordinance
29 and how it applies; and

30 **WHEREAS**, there is a strong public interest in growing the City's tree
31 canopy; and

32 **WHEREAS**, there is a need to prioritize both the production of new housing
33 and the preservation of trees; **NOW, THEREFORE,**

34 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

35 In addition to the direction from the HOME Phase 1 requirements, the City
36 Manager is directed to create a credit per caliper inch of appropriate trees
37 preserved between 8-18 inches on a residential lot, to be applied toward
38 development fees. This credit should:

- 39 1. Recognize the different incentive levels potentially needed in setback and
40 buildable areas; and
41 2. Be set at a level that will be a strong incentive for residential
42 developments to participate in the credit program.

43 **BE IT FURTHER RESOLVED:**

44 In designing the administration of this program, the City Manager is directed
45 to minimize the administrative steps necessary to receive this credit, which may
46 include:

- 47 1. Allowing for a non-certified survey of total caliper inches to be
48 preserved;
- 49 2. Not adding a tree inspection requirement between the initial period of
50 construction and the issuance of a certificate of occupancy; and
- 51 3. Applying minimal or no tree protection requirements during the period of
52 construction.

53 The credit program should balance these reduced requirements with an
54 appropriate consequence to be imposed upon the developer if any of the proposed
55 protected trees are not properly preserved during the construction period.

56 **BE IT FURTHER RESOLVED:**

57 The City Manager is directed to only apply the credit to trees that are not
58 already being preserved to meet mitigation requirements for protected and heritage
59 trees.

60 **BE IT FURTHER RESOLVED:**

61 The City Manager is directed to recommend which trees within Appendix F
62 of the Environmental Criteria Manual should be covered by this credit program.

63 **BE IT FURTHER RESOLVED:**

64 The City Manager is directed to explore the feasibility of expanding the
65 criteria for administrative waivers for non-zoning development standards to allow
66 for greater preservation of trees within a proposed development.

67 **BE IT FURTHER RESOLVED:**

68 The City Manager is directed to fund the credit from the Urban Forest
69 Replenishment Fund and examine if adjustments need to be made to the existing

70 mitigation cost within site plan developments. If necessary, the City Manager
71 should implement a cost cap for a pilot period lasting no longer than one year.

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73 **ADOPTED:** _____, 2024 **ATTEST:** _____

74 Myrna Rios
75 City Clerk
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