

## SUMMARY OF RECA POSITION ON HERITAGE TREE ORDINANCE

The position stated below will ensure that the City builds on the very successful current protected tree ordinance to preserve our biggest and best trees and expand the urban forest. It will also help minimize the potential adverse effects that these new regulations will have on the costs of development, and thereby on the cost of business and the cost of living in Austin.

### 1. What RECA Supports

- RECA has supported two (2) prior ordinances increasing the number of new trees planted in residential subdivision and commercial parking lots
- RECA supports heritage tree ordinance that places much higher restrictions on the removal of trees 24" and larger by both (i) raising the standard for removal, and (ii) increasing the amount of mitigation required for removal of such trees
- Additional enforcement measures for violations of the tree ordinances consistent with applicable law

### 2. What Changes to the Current Draft Ordinance RECA would *like* to see

- Require that this ordinance and all future ordinance changes undergo a cost/ benefit analysis (where feasible) to determine the impact the regulation has on the affordability of living spaces and places to do business (not just "affordable housing")
- Add the tree list to the ordinance so that there can be no surprises in the rule making process that either increases or decreases the listed trees (especially since the species of large trees are already known)
- Keep the current protected tree ordinance operating as it has so effectively for the last 25 years
- Change the variance criteria for heritage tree removal to be *truly* consistent with current environmental variance practice as intended and represented by staff
- Create exceptions to the Land Use Commission Variance requirement for trees greater than 30" but less than 42" in limited circumstances that meet one or more of the following criteria:
  1. development on a small lot (2 acres or less);
  2. development on a Core Transit Corridor; or
  3. development that proposes to mitigate at a rate 4 to 1 (which result in more basal area over 10 years than preserving the one tree)

### 3. What Changes to the Current Draft Ordinance RECA would *NOT like* to see

- Do not change heritage tree to multi-stem as it will double the number of trees affected and greatly increase the number of cases (multi-stem should especially not apply to Land Use Commission variances)
- Do not change the standard of protected tree removals to instances where "all reasonable use" is denied as this will create an impossible takings standard that will swallow the rules on heritage trees, making them irrelevant and causing massive economic damage
- Do not create a "quasi-public hearing" by having administrative variance go to the Urban Forestry Board prior to approval as this is en effect the same thing as a public hearing for all heritage trees