

# Urban Forestry Subcommittee of the Environmental Commission

## June 24, 2021 Meeting Briefing Overview

- Unpermitted Removal—What We Know.
- Examples of Unpermitted Removals.
- Existing Code and Administrative Tools.
- Proposed Tools in Land Development Code Rewrite.

# Unpermitted Removal

## What We Know

- Violations are increasing.
- Over 20 Heritage Trees removed without a permit and appear development related.
- The gains in land value with tree removal exceed mitigation.
- Many removals are unresolved due partly to limited Code and administrative tools.

# Unpermitted Heritage Tree Removal

Back yard  
43.5" live oak  
*March 2019*



Front yard  
36" live oak  
*March 2019*



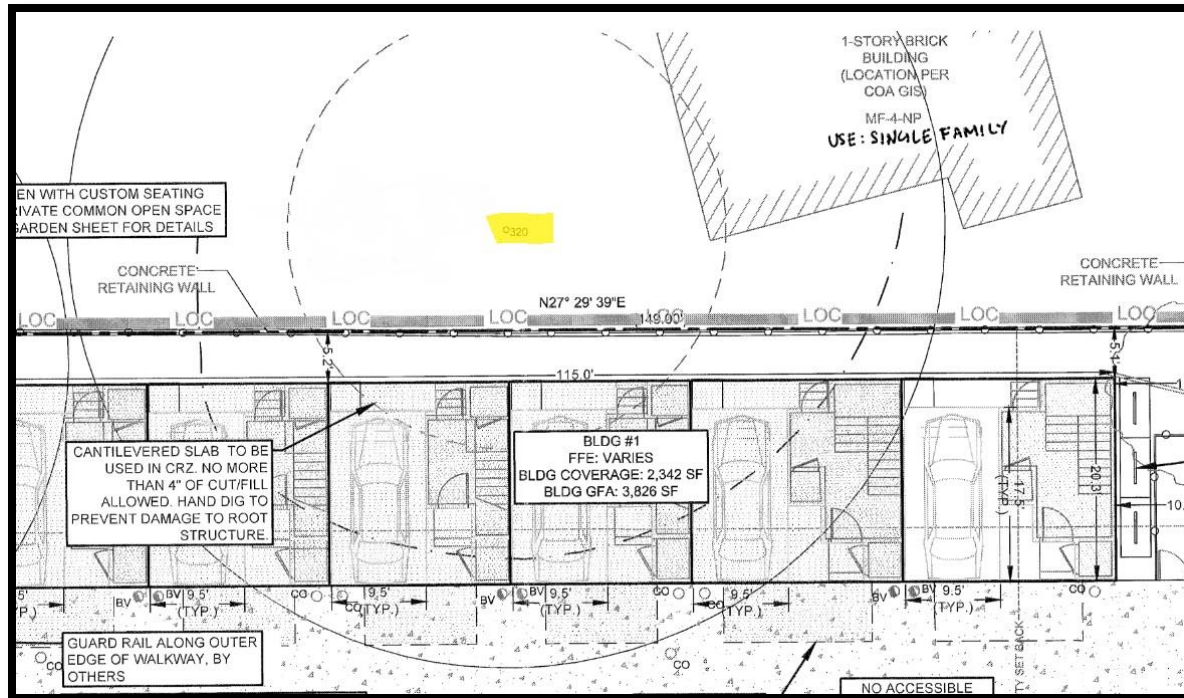
*March 2021*



*March 2021*



# Unpermitted Heritage Tree Removal



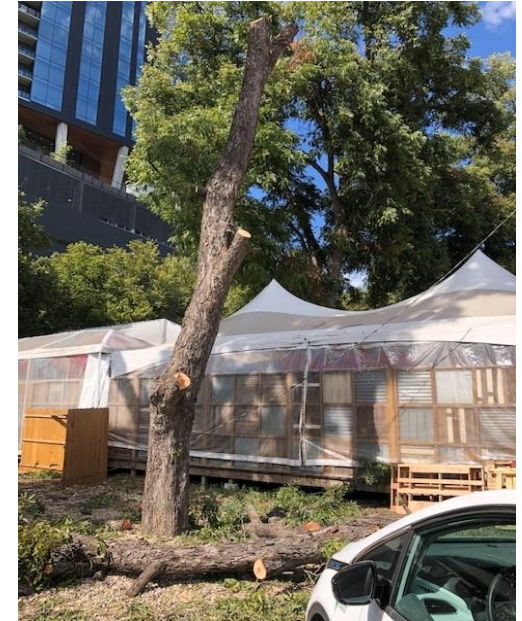
43.5" live oak shown on Site Plan for adjacent property with cantilevered slab to preserve tree

# Unpermitted Heritage Tree Removal



Site in south Austin. 12 protected or heritage trees removed, 412" cumulative.

# Unpermitted Heritage Tree Removal



Site near downtown. Crew interrupted mid-removals. Trees did not survive.

# Unpermitted Heritage Tree Removal

Land							
#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value
1	LAND	Land	0.2415	10518.74	0.00	0.00	\$357,500

Roll Value History					
Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap
2021	\$377,239	\$357,500		734,739	\$0
2020	\$269,468	\$357,500		626,968	\$0
2019	\$269,468	\$357,500		626,968	\$0
2018	\$171,425	\$357,500		528,925	\$0
2017	\$111,500	\$357,500		469,000	\$0
2016	\$204,798	\$268,125		472,923	\$0

10,520 sq ft valued at \$357,500  
**\$33.98/sq ft**  
 33% increase since 2016

43.5" live oak – 5,941 sq ft CRZ  
 ~55% located on target property  
**1,634 sq ft** cannot be developed

36" live oak – 4,069 sq ft CRZ  
 ~75% located on target property  
**1,526 sq ft** cannot be developed

3,160 sq ft worth **\$107,377**

Standard mitigation for heritage trees is 300% of removed diameter (79.5").  
 At mitigation rate of \$200/inch the mitigation paid will be **\$47,700**

# Code and Administration Challenges

- Ordinance does not address violations.
- No pathway to meet findings.
- Cannot force violator to Commission.
- Making violations stick when property sales.
- Violations rarely disclosed to buyers, who are then responsible for mitigation.

# Code and Administration Tools

- Environmental Criteria Manual allows for enhanced mitigation.
- Issue a Code violation.

# Proposed Code Language

- The [draft](#) Land Development Code improved language includes:
  - The City Arborist charged with enforcement.
  - Enhanced mitigation.
  - If Heritage Tree illegally removed, the critical root zone must be still preserved as if the tree was still there. New tree(s) must be planted in the place of the unpermitted removal.

# Proposed Code Language

- Gaps in proposed language
  - Do not remedy that violations circumvent the public hearing process.
  - Do not daylight removal to the public.
  - Still difficult for violations to stick.
  - Does not address removals based on tree conflict with occupied structure but then applicant submits zoning change or demolition after tree removal.