

Rule Change Summary

Environmental Criteria Manual Section 3.5

City Arborist, Development Services Department



Summary of Changes

1. Delete outdated and inaccurate content
2. Address new technology, construction methods, and urban forestry concerns that have become salient since the last significant update in 2011
3. Reorganize and rewrite existing rules to better align with code

Authority in Code

§ 25-8-603 - ADMINISTRATION.

(A) A city arborist, appointed by the director of the Planning and Development Review Department, shall implement this article.

(B) The Planning and Development Review Department shall adopt administrative rules for the implementation of this subchapter.

(C) The rules shall:

- (1) describe methods to protect trees against damage during development;
- (2) identify actions that will constitute removal;
- (3) identify the root areas that require protection against soil compaction or the effects of impervious paving; and
- (4) identify mitigation measures and methods of calculation for fiscal security to ensure performance of mitigation measures that may be required under article 1 of this subchapter.

ECM Section 3 (Current)

3.1 - General

3.2 - Appeals

3.3 – Tree Survey

3.3.1 – Survey Requirements by Jurisdiction

3.3.2 – General Tree Survey Standards

3.3.3 – RESERVED (*previously Survey Standards for Environmental Assessments*)

3.3.4 – Tree Survey Standards for Hill Country Roadway Corridors

3.4 – RESERVED (*previously Tree Physiology*)

3.5 – Design Criteria

3.5.1 – Significant Tree Identification

3.5.2 – Tree Preservation Criteria

3.5.3 – Design Constraints and Alternatives

3.5.4 - Mitigation

3.6 – Tree Protection

3.7 – Public Trees

Appendix P-6 – Remedial Tree Care Notes

ECM Section 3 (Proposed)

3.1 - General

3.2 - Appeals

3.3 – Tree Survey

3.3.1 – Survey Requirements by Jurisdiction

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3.3.4 – Tree Survey Standards for Hill Country Roadway Corridors

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3.5 – Design Criteria

~~3.5.1 – Significant Tree Identification~~

3.5.2 – Preservation

~~3.5.3 – Design Constraints and Alternatives~~

3.5.4 - Mitigation

3.6 – Tree Protection

3.7 – Public Trees

~~Appendix P-6 – Remedial Tree Care Notes~~

ECM Section 3.5 (Current)

3.5 – Design Criteria

3.5.1 – Significant Tree Identification

3.5.2 – Tree Preservation Criteria

A. Critical Root Zone Impacts

B. Crown Impacts

C. Deviations From Minimum Criteria

3.5.3 – Design Constraints and Alternatives

3.5.4 – Mitigation

A. Replacement Trees

B. Natural Area Preservation

C. Tree Maintenance.

D. Special Construction Techniques

E. Transplanting

ECM Section 3.5 (Proposed)

3.5 – Design Criteria

3.5.1 – Significant Tree Identification

3.5.2 – Preservation

A. Standard Preservation Requirements

1. Critical Root Zone
2. Canopy

B. Deviations From Standard Preservation Requirements

1. Remedial Tree Care
2. Low Impact Excavation
3. Transplanting

C. Design Considerations

1. Construction Impacts
2. Existing Conditions

3.5.3 – Design Constraints and Alternatives

3.5.4 – Mitigation

A. Calculating Mitigation

1. Mitigation Rates
2. Exemptions From Mitigation Requirements

B. Forms of Mitigation

1. Replacement Trees
2. Preservation of Unregulated Trees and Natural Areas
3. Alternative Mitigation

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1. Delete outdated and inaccurate content

Update 1 - Delete 3.5.1 – Significant Tree Identification

Summary of Change: Delete Section 3.5.1 in its entirety.

Reason for Change: This section has not been used for tree review for at least the last decade. It reflects an approach to tree assessment during development that is not supported by code or consistent with current City Arborist practice. The presence of this material in rules is confusing for applicants and the public.

1. Delete outdated and inaccurate content

Update 2: Delete 3.5.3 – Design Constraints and Alternatives

Summary of Change: Delete Section 3.5.3 in its entirety.

Reason for Change: This section contains very little in the way of actual rules. It mostly consists of suggestions as to how applicants might meet preservation requirements while also satisfying other design constraints, whether from the site or from other City departments. This material is outdated, incomplete, and does not actually serve the function of the rules identified in LDC 25-8-603.

1. Delete outdated and inaccurate content

Update 3: Delete Appendix P-6 – Remedial Tree Care Notes

Summary of Change: Delete Appendix P-6 in its entirety.

Reason for Change: The material in this appendix is inconsistent with recommended arboricultural practice. Listing tree care requirements in two places (here and Section 3.5.2) is confusing for applicants.

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Update 1: Low Impact Excavation

Summary of Change: Create new section (3.5.2.B.2 – Low Impact Excavation) which provides rules for the use of low impact excavation methods and elevated foundation types near regulated trees.

Reason for Change: New technology in the form of supersonic air tools has become widespread in the tree industry since the last significant update in 2011. Changing development pressures have resulted in increased use of alternative foundations to make more efficient use of space on lots.

2. Address new technology, construction methods, and urban forestry concerns that have become salient since the last significant update in 2011

Update 2: Mitigation Exempt Species

Summary of Change: Add Arizona ash (*Fraxinus velutina*) to the list of species for which mitigation is not required. Remove non-tree species from this list. Designate this list as the Mitigation Exempt Species list.

Reason for Change: The inevitable arrival of Emerald Ash Borer in the Austin area in the near future combined with widespread damage from Winter Storm Uri means that the removal of Arizona ashes should be prioritized in the interest of public safety. Renaming and reorganizing the list of species exempt from mitigation will make it more usable for applicants.

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Update 1: Reorganize Section 3.5

Summary of Change: Reorganize Section 3.5 into two subsections, 3.5.2 – Preservation, and 3.5.4 – Mitigation.

Reason for Change: This reorganization clarifies the relationship of Section 3.5's requirements to Code. Code requires either the *preservation* of regulated trees or *mitigation* when they are removed. All design requirements pertain to one of these two outcomes. This reorganization better aligns Rules with Code.

3. Reorganize and rewrite existing rules to better align with code

Update 2: Move Material on Tree Care and Transplants to Preservation

Summary of Change: Move material on Tree Care from 3.5.4.C – Tree Maintenance and Appendix P-6 into 3.5.2.B – Deviations from Standard Preservation Requirements. Move 3.5.4.E – Transplanting to 3.5.2.B.

Reason for Change: Remedial tree care and transplanting are both options for preserving regulated trees. They are not mitigation for removal of regulated trees. Locating them within the appropriate section of rules clarifies their relationship to Code and avoids confusion about whether or not they count as credit towards mitigation requirements.

3. Reorganize and rewrite existing rules to better align with code

Update 3: Improve Rules for Mitigation

Summary of Change: Rewrite 3.5.4 – Mitigation. Add 3.5.4.B.2 to address requirements to receive mitigation credit for preserving small existing trees. Add 3.5.4.B.3.c to address qualifying criteria for alternative mitigation. Add reference to Texas Local Government Code Section 212.905.

Reason for Change: These changes clarify the options and requirements for various forms of mitigation. They improve consistency in the application of mitigation requirements and will also encourage preservation of small unregulated trees. They also add a reference to material in state Code that pertains to mitigation.

Additional Changes

- Add additional requirement for species diversity in mitigation planting.
- Standardize style and spelling throughout document.

Timeline for Rule Update

Jan 21 – Brief Environmental Commission on updates

Jan 31 – SpeakUp Austin page goes live; PIO sends out stakeholder announcement

February – SpeakUp Austin page is live for stakeholder comment; 3 stakeholder engagement meetings held during this time

March – April – Review feedback and incorporate into update as needed

May 3 – Submit to Rules Manager for Interdepartmental Review (pencils down date)

July 6 – Notice of Proposed Rule posted with City Clerk

August 8 – Sept 14 – Notice of Rule Adoption