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RULE NO.: R161-26.04

NOTICE OF PROPOSED RULE **POSTING DATE: August 24, 2026**

The Director of Austin Development Services proposes to adopt the following rule on October 1, 2026.

EFFECTIVE DATE OF PROPOSED RULE

A rule proposed in this notice may not become effective before the effective date established by a separate notice of rule adoption. A notice of rule adoption may not be posted before September 25, 2026, or after November 2, 2026 (the 70th day after the date of this notice).

If a proposed rule is not adopted on or before November 2, 2026, it is automatically withdrawn and cannot be adopted without first posting a new notice of a proposed rule.

REQUEST FOR COMMENTS ON PROPOSED RULES

The City requests comments from the public with respect to the proposed rule included in this Notice. Comments must be submitted in writing to the contact person below no later than September 24, 2026.

Contact Person:
Daniel Priest, Environmental Compliance Specialist Senior
City of Austin – PDC
Austin Development Services
P.O. Box 1088
Austin, TX 78767
Daniel.Priest@austintexas.gov

TEXT OF PROPOSED RULE

The text of the proposed rule indicating changes from the current text is attached to this Notice.

BRIEF EXPLANATION OF PROPOSED RULE

The proposed amendment modifies Environmental Criteria Manual (ECM) Section 3 (*Tree and Natural Area Preservation*). Austin Development Services proposes this rule change in order to implement Council Resolution No. 20241121-074 as well as recent updates to City Code Title 25 (*Land Development*).

The proposed changes:

- Align the introductory subsection of ECM Section 3 with Sections 1 (*Water Quality Management*) and 2 (*Landscape*);
- Remove an outdated section of Section 3.5.0 (*Design Criteria*) related to expanded Critical Root Zone areas;

- Add survey requirements for unregulated trees preserved as part of incentive programs;
- Update mitigation credits and minimum sizes related to preservation of unregulated trees and for trees planted as mitigation and as part of a species diversity initiative; and
- Clarify tree protection exceptions for trees with diameters less than 10".

AUTHORITY FOR ADOPTION OF PROPOSED RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of the City Code is provided in City Code Chapter 1-2 (*Adoption of Rules*). The authority to regulate tree protection and mitigation is established in City Code Chapter 25-8, Subchapter B, Article 1 (*Tree and Natural Area Protection*).

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Proposed Rule R161-26.04, the City Attorney certifies the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEWED AND APPROVED:

Curtis Beaty

Curtis Beaty, Assistant Director
On behalf of
Keith Mars, Director
Austin Development Services

Date: 08/18/2026

Deborah Thomas

Deborah Thomas
City Attorney

Date: 8/20/2026

SECTION 3
TREE AND NATURAL AREA PRESERVATION

3.3.2 General Tree Survey Standards

A. **Required Field Data.**

Tree data must be obtained from a ground survey. The data which must be obtained in the field are tree locations, trunk diameters and species. It is critical that the survey provides accurate measurements to ensure that the survey is complete and that both protected and heritage trees are clearly identified. The method of identifying crown area is discussed later (Section 3.5.2.B Crown Impacts) and does not need to be field measured. A dated tree survey associated with subdivision and site plan applications must be certified by a surveying professional (a registered professional land surveyor in the State of Texas and conducted in accordance with the most current land surveying practice pertaining to topographic, easements and boundary surveys). Surveys for trees associated with residential building permits typically do not need to be certified. However city staff has the ability to require a certified survey from the applicant if the provided tree information is inaccurate or is insufficient for assessing impacts from proposed development. Tree surveys are only accurate for five years due to changes in tree health and trunk growth. The City Arborist will require a new survey if the survey information is no longer accurate. Failure to submit accurate and complete information at the time of application may result in delays in the permitting process, including the issuance and release of permits. Additionally the applicant is encouraged to conduct a tree evaluation to assist in the design and review processes (see Section 3.3.2.B Recommended Additional Field Data).

Unregulated trees are those with a diameter smaller than the minimum regulated size for a site. Unregulated trees shall be surveyed according to the requirements in this section if they are preserved pursuant to any of the following:

1. Mitigation requirements identified in ECM 3.5.4; or
2. Other requirements of the LDC.

1. Location.

Tree surveys must be accurate. Levels of inaccuracy which will result in a failure to comply with the City tree preservation design criteria and construction specifications may necessitate new surveys and plan adjustments either prior to permit approval or project release. The location of all trees which are to be

surveyed should be identified at the center point of the tree trunk at ground level.

Off-site trees whose Critical Root Zones enter the proposed development site shall be shown on the plan. If off-site trees cannot be accessed by the surveyor their location and diameter shall be approximated.

Heritage trees shall be identified with the letter "H" on the tree survey and tree list to clearly distinguish them as Heritage trees. Right-of-way trees shall be identified with an asterisk.

Unregulated trees that are preserved per ECM 3.3.2.A shall be identified with the letter “U” on the tree list.

2. Trunk Diameter.

   Generally, tree diameters are measured at 4-½ feet above grade (diameter at breast height). The measurement provides the most accurate dimension of the tree's cross-sectional diameter. If the tree is on a slope, measure from the high side of the slope. Measure below unusual swells in the trunk (see Figure 3-1 in Appendix V of this manual) to avoid inaccurate measurements.

   Diameter shall be accurate to the half inch. Measurements falling between half-inch increments should be rounded down. For example, an 18.9 inch tree should be recorded as an 18.5 inch tree.

   The diameter of a multi-trunk tree shall be determined by the total of the diameter of the largest trunk plus ½ the diameter of each additional trunk. All trunks with a diameter of one (1) inch or greater shall be included in this calculation, except in Hill Country Roadway Corridors as noted in Section 3.3.4. Identify multi-trunk trees within the tree inventory by listing the cumulative diameter with an M (multi-trunk). Identify each of the stem sizes when heritage trees are listed. A multi-trunked tree is differentiated from individual trees growing from a common root stock if there is a visible connection between the trunks above ground. Trunks of different species should be considered separate trees, no matter how closely aligned.

   For Ashe juniper (*Juniperus ashei*), often referred to as cedar trees, only single-trunk trees with diameters eight (8) inches and greater or multi-trunk specimens with at least one such sized trunk need be surveyed. The intent of this provision is to encourage the preservation of those mature cedars which provide valuable habitat for various species, while lessening the overall cost of the survey.

3. Tree Species.

Tree identification should be accurate to the species level (e.g. post oak, Spanish oak, cedar elm, etc.).

Trees may be identified by common names or botanical names (e.g. post oak or *Quercus stellata*).

3.5.0 DESIGN CRITERIA[1]

3.5.2 Preservation

This section identifies tree preservation requirements and impacts that constitute removal of regulated trees. When preservation requirements are not met the tree is considered removed.

A. Standard Preservation Requirements

1. **Critical Root Zone**

While the full root system of the tree may extend three to four times the diameter of the dripline, the Critical Root Zone (CRZ) is an area surrounding the tree where root protection is important to tree survival. The CRZ is a circle centered on the tree where the radius of the circle is a number of feet equal to the diameter in inches of the tree. All ground within that circle is the CRZ. The Half Critical Root Zone and Quarter Critical Root Zone are also used by staff to evaluate the likelihood of tree survival. The Half CRZ is a smaller circle within the CRZ with a radius half that of the CRZ. The Quarter CRZ is a circle within the Half CRZ with a radius one-quarter that of the CRZ. The figure below depicts the CRZ, Half CRZ, and Quarter CRZ.

~~Certain conditions may require a larger Critical Root Zone to expect tree survival. The City Arborist may request a larger preserved area for species that are less resilient to the impacts of development, such as post oak (*Quercus stellata*), high value trees, rare trees, and trees in sensitive site conditions. This request could identify a CRZ 1¼ to 1½ times larger than the minimum standard.~~

Design constraints, such as site conditions, often dictate that trees slated for preservation have some root zone disturbance. Critical Root Zone impacts reduce a tree's likelihood of survival. Impacts include:

a. Digging, trenching, or excavating;
b. Soil compaction;
c. Grade changes; and
d. Chemical exposure and spills.

Most trees can tolerate some Critical Root Zone impacts. Impacts may be allowed as long as the following Preservation Criteria are met:

a. At least fifty percent of the total area (square footage) of the Critical Root Zone must be preserved at natural grade, with natural ground cover.
b. The entirety of the Half CRZ must be protected, with the exception that cut or fill of four inches or less is allowed within the Half CRZ.
c. No cut or fill is allowed within the Quarter CRZ.

3.5.4 Mitigation

B. **Forms of Mitigation**

1. **Replacement Trees**

a. **Measuring Replacement Trees**

Replacement trees shall be measured at six inches above the ground. Replacement trees shall have a caliper of at least one inch. On trees with multiple stems only those stems with a caliper of at least one inch shall count towards mitigation. Full credit shall be given for the largest qualifying stem and half credit for all other qualifying stems.

b. **Qualifying Species**

Eligible replacement tree species are listed in Environmental Criteria Manual Appendix F. The City Arborist may approve species not listed in Appendix F for mitigation credit. At least seventy-five percent of the total caliper of all replacement trees shall be from species designated Significant Shade Providers in Appendix F. The remaining twenty-five percent may be of any Appendix F species.

When twenty or more inches of replacement trees are planted on a site they must be selected from at least two species. When one hundred or more inches of replacement trees are planted on a site they must be selected from at least five species, with no single species representing more than fifty percent of the total caliper of the required mitigation.

c. Planting Requirements

The planting locations of replacement trees shall comply with the requirements of other regulating authorities such as Austin Energy or Austin Water. Replacement trees shall be planted on the property where the mitigated tree was located unless an alternative planting location is approved. Alternative planting locations should be in close proximity to the original property.

d. Quality Stock

Replacement trees shall be planted in accordance with the ANSI 300 standard for tree care. Replacement trees shall be free of pests, disease, and significant damage or structural defects. They shall have a visible root flare at the soil line and be planted at the proper depth.

e. Irrigation

Replacement trees shall be provided with irrigation for their establishment. When added to an existing irrigation system they shall have their own zone so that they can be watered at a frequency and rate appropriate to newly planted trees. On sites without existing irrigation a programmable temporary system or a service such as a water truck may be used. Irrigation must be approved prior to planting.

f. Hill Country Roadway Replacement Trees

Replacement trees for Hill Country Roadway projects shall be a species listed on the approved list of Hill Country trees in Environmental Criteria Manual Appendix F.

g. Fiscal Surety

Fiscal security may be required by the City Arborist when tree planting will occur under a different development plan than that under which the removals were approved.

2. **Preservation of Unregulated Trees**

Mitigation requirements may also be met through the preservation of unregulated trees that might otherwise be damaged or removed during development.

a. **Qualifying Trees**

Trees eligible for this mitigation credit shall:

1. have a diameter smaller than the minimum regulated size for the site but not less than one inch;
2. be located onsite in an area where vegetation is not otherwise protected;
3. maintain a minimum distance, measured from the trunk, of at least:
    - five feet from a new or existing structure;
    - one foot from a property line; and

- twenty feet from overhead distribution lines, unless the tree is of a Utility Compatible species as identified in ECM Appendix F;

~~3~~ 4. comply with Qualifying Species criteria listed in Environmental Criteria Manual 3.5.4.B.1.b; and

~~4~~ 5. be without significant damage or structural defects.

Limits of Construction may not be expanded for the sole purpose of incorporating unregulated trees for mitigation.

b. **Preservation Guidelines**

Unregulated trees preserved for mitigation credit shall comply with tree preservation requirements for regulated trees. These trees shall be shown on development plans and protected during construction. Failure to meet preservation requirements shall result in the loss of mitigation credit.

c. Calculating Mitigation Credit

~~One inch~~ Two inches of mitigation credit shall be given for each diameter inch of trees preserved in this category, measured per ECM 3.3.2.A.2.

3. **Alternative Mitigation**

On some sites the amount of required mitigation may exceed the space available for replacement trees. When the City Arborist determines that a site is unsuitable for the required planting, payment to the Urban Forest Replenishment Fund (UFRF) shall be made. When a site can support some but not all the required mitigation the balance shall be addressed through payment to the UFRF.

a. **Qualifying Criteria**

The following criteria qualify a site for alternative mitigation:

- Planting the required mitigation would exceed the understory species limits in 3.5.4.B.1.b;
- The required mitigation would require denser spacing of replacement trees than is appropriate to the site; or
- Site conditions or future development make the survival of the replacement trees unlikely.

b. **Payment Rate**

Payments to the Urban Forest Replenishment Fund shall be made at $200 per inch of required mitigation or $75 per inch for certified affordable

developments. Payments to the UFRF may be used for off-site tree planting and maintenance, promoting tree care and preservation, urban forest conservation, and enforcement of City tree protection and mitigation regulations.

Applicants may be entitled to a mitigation credit for tree planting under Texas Local Government Code Section 212.905. An applicant claiming a credit should indicate this on their application.

3.6.0 TREE AND NATURAL AREA PROTECTION

B. **Fencing Specifications**

1. **Material Requirements**

Fencing is the primary method of tree protection. Fencing is intended to prevent access to the Critical Root Zone. Tree fencing shall be chain-link mesh with a minimum height of 5 feet. Fencing shall be installed on steel t-posts with a maximum spacing of 10 feet between the posts. More robust or existing permanent fencing may be approved as an alternative to chain-link fencing. Plastic fencing material shall not be used as tree protection.

2. **Location of Fencing**

Fencing shall be installed around or beyond the Critical Root Zone of all preserved trees or any natural areas designated for preservation. Fencing must be continuous and create a closed, inaccessible area of root zone protection.

3. **Maintenance of Fenced Areas**

Fencing shall not be temporarily moved or removed during development without prior authorization. There shall be minimal slack or sagging in the fence. The fenced Critical Root Zone shall not be used for tool or material storage of any kind and shall be kept free of litter.

4. **Exceptions to Fencing Requirements**

Any section of the Critical Root Zone not protected by fencing or covered by existing hardscape requires mulch (see ECM 3.6.1.C). Exceptions to the CRZ fencing requirement shall be justified by site-specific considerations. Some exceptions are for areas:

i. that have been approved for impacts, such as the footprint of a building;

ii. covered by existing hardscape, such as a patio or driveway (note: if hardscape is removed the exposed soil beneath becomes subject to tree protection requirements);

iii. required for access to the work area; and

iv. approved for use as a staging area.

Within the Half CRZ, fencing requirements will only be modified for existing hardscape or to allow an access path adjacent to approved structures (see ECM 3.6.1.C.3). CRZ fencing modifications shall be shown on the development plans or approved by the inspector.

For an unregulated tree preserved pursuant to ECM 3.5.4.B.2, fencing shall be maintained at:

a. the Half CRZ; or
b. three feet if the radius of the Half CRZ is less than three feet.