

Recommended Changes to Rollingwood Tree Maintenance Ordinance from the CRCRC.

These recommended changes are based on the strong support in the survey (question 15) for maintaining the tree canopy in Rollingwood (74% said maintaining the tree canopy had either high or very high priority). When asked whether they thought the current tree ordinance was adequate to this task (question 16), 51% of respondents said “yes”. However, in the comments from those “yes” votes, many were either uncertain what the current tree ordinance stated and/or had not any occasion to refer to the ordinance for recent tree work on their property. There was strong support in all the comments for increasing the protection for “heritage trees”.

Based on these survey results, the CRCRC has the following recommendations to strengthen the current tree ordinance to make it more effective in protecting and maintaining the current tree canopy.

Exact proposed wording or specific change is in green.

1. Change the name of Article II, Division 10, Subdivision 2 to “Residential Landscape and Tree Canopy Management.”
2. Introduce the concept of xeriscape landscaping into the ordinance, with some suggestions to use native and adapted low water use plants, and drought tolerant turf grasses for lawns. (no regulations, only education) “Landscape: Because the city experiences frequent drought conditions, low water demanding landscapes (Xeriscapes) are encouraged by using native and adapted low water use plants from the Austin Grow Green Guide. (Insert link here) Consideration should also be given to planting turfgrass on less than 50% of the total landscaped areas, with that turf grass preferably having summer dormancy capabilities such as Buffalo grass, Zoysia grass, or non-seeding varieties of Bermuda grass.” Section 107-369 (a): Purpose
3. Inserted statement that “the site plan and project design will preserve the existing natural character of the landscape and the retention of protective trees as much as possible” This statement to be inserted into Purpose Section of Sec 107-369.
4. Insert a definition for a “Heritage Tree” category into ordinance for those trees 24 inches in diameter measured 4 ½ feet above natural grade. “Heritage tree” means a tree of a “protected species” defined as having a diameter of 24 inches or more, measured 4½ feet above natural grade. To determine the diameter of a multi-trunk tree, measure all the trunks; add the total diameter of the largest trunk to ½ the diameter of each additional trunk. A total diameter of 24” or higher for a multi-trunk tree would qualify as a Heritage tree. (Sec 107-371 Subdivision b- 2). (see addendum A- list of protected species)
5. Change the criteria for planting alternatives to protected species (from the utility setback tree list) to limit it to only protected trees removed from areas 20 feet from a utility line. In other words, a protected species removed from setbacks, right of way and buildable area must be replaced with a protected species, if not removed from the 20 ft utility setback area.” For protected trees removed from within 20 feet of an above-ground power, cable, or telephone line the following species can be used for replacement: These species cannot be used to replace a protected tree removed from areas that are not 20 feet from an above ground power cable, or telephone line.” Sec 107-369 (c)-2 (see Addendum B Replacement species list for trees planted 20ft from utility lines.)

6. Adding a definition for Critical Root Zone (CRZ), that is area around tree trunk with a radius of one foot for every inch of diameter. "Critical root zone" means the area around and under a tree having a radius of one foot per inch of diameter from the trunk of the tree outwards and twenty-four inches in depth. For example, for a tree having a 10-inch diameter, the critical root zone is 10 feet out from the trunk and twenty-four inches deep. No construction or disturbance shall occur within an area that constitutes more than (50%) of the total critical root zone, and one half the radial distance of the CRZ for each tree being preserved as a protected tree or heritage tree." Sec 107-369 (g).
7. Change the term "city arborist" used 13 times in the current ordinance indicated to review, approve, and implement all tree removal permits to "City Development Officer". However, a city arborist will be used in those areas of code where the expertise of an arborist is necessary or desired.
8. Remove Sections (d) and (e) of Section 107-372. All protected trees and heritage trees removed from a lot should be replaced on that lot unless a Special Exception is obtained to replant on an adjacent lot with that neighbor's permission. 107-372 (d) and (e).
9. Removal of Heritage trees from setback areas would require a separate "Heritage Tree Removal Permit". Removal of a Heritage tree is prohibited unless a Heritage Tree Removal Special Exception is granted by the Board of Adjustment upon a finding that: (i) all reasonable efforts have been made to avoid removing the tree, (ii) the location of the tree precludes all reasonable access to the property or all reasonable use of the property, and (iii) removal of the tree is not based on a condition caused by the method or design chosen by the applicant to develop the property. 107-373 (a).
10. A Heritage Tree Removal Special Exception will not be required for Heritage Trees removed from the proposed building footprint area but would be subject to the normal tree removal permitting and replacement process.
11. Protected trees (12–24-inch diameter) removed from the buildable area must be replaced by one protected species tree. Replacement of a Heritage Tree removed from setback areas, (with Heritage Tree Removal Special Exception) and proposed building footprint area (which would not require a Special Exception), must be replaced with one tree 6 inches in diameter, or more, for every 12 inches in diameter of the removed tree. For example: 24 inches = 2 six-inch diameter trees, 36 inches = 3 trees, etc. to be replaced. An exception to these mitigation requirements may be granted by the city development officer, after consulting with the City Arborist, and with the approval of the BOA if the applicant demonstrates: (1) the existing tree canopy would prohibit the growth of these replacement tree(s); or (2) the required replacement trees to be installed would have to be planted under the canopy of an existing tree. See section 107-375 (h).
12. If a protected or heritage tree straddles the boundary between setback line and buildable area line, it shall be considered removed from the setback area if 25% or more of the trunk diameter is in the setback area. Sec 107-375 (c).
13. An application for a tree removal permit must include a tree survey that shows all trees that are at least 12 inches in diameter 4 ½ feet above natural grade and indicate the Critical Root Zone of these trees as well. Sec 107-376 (a)-1.
14. The maximum number of replacement trees required for trees removed from the buildable area will remain capped at seven. Sec 107-375 (h).

15. Maintain the replacement ratio of protected trees removed from the setback areas at 3 replacement trees for each removed. Sec 107-375 (a).
 16. Development application requirements must include a tree survey indicating the location of all protected and heritage trees together with their CRZ. A protection plan must be submitted for these trees to include evidence that sufficient care must be demonstrated to ensure survival of these protected trees, including adequate watering before, during and after construction until an occupancy certificate is granted. Sec 107-376 (a)-1
 17. All replacement trees must survive for at least three years, and the city development officer shall keep track of these replacements, so that at 3 years post planting, their survival and health can be assessed, consulting with an arborist if necessary. Sec 107-378 (d).
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These items would not require code changes:

18. Section 107-380 requires all vendors doing tree trimming, removal, or demolition, to have an annual permit to do so from the city secretary. The city website should be amended so that residents can easily access the up-to-date list of approved and permitted tree service vendors and how a preferred vendor can obtain a no cost permit from the city. Sec 107-380.
19. The CRCRC supports a program to plant “commemorative trees” on city property, especially parks, where the cost would come through citizen donations. This program is under consideration by the Parks Commission.
20. The CRCRC also supports a proposal that was very strongly supported in the survey (question 17, 85% said “yes”) to consider a plan sponsored by the city, or private donations, to plant additional trees, with owner approval, in public ROW. The CRCRC did not include any proposed changes to the current ordinance, to accommodate this proposal, and may investigate further the practical and legal ramifications of this idea, perhaps presenting it later.