

# Austin Neighborhoods Council

---

*Established 1973 • Strength Through Unity  
Post Office Box 176 • Austin, Texas 78767*

28 October 2009

Dear Mayor Leffingwell, Mayor Pro Tem and Council Members,

The Austin Neighborhoods Council is an umbrella organization representing 91 neighborhood associations across the city. The following resolution for provisions in Austin's proposed Heritage Tree Ordinance was unanimously approved at ANC's October 28 2009 General Membership meeting.

WHEREAS neighborhood representatives, environmental groups, the Tree Task Force, the Environmental Board, the Urban Forestry Board, and other stakeholders have previously recommended certain measures to enhance tree preservation in the city, and preservation of Heritage Trees in particular;

THEREFORE, BE IT RESOLVED THAT the Austin Neighborhoods Council recommends that the proposed Heritage Tree Ordinance be adopted with the following provisions:

1. Any variances to the ordinance that contemplate removal of a Heritage Tree 24" DBH or above should be reviewed publicly by an appointed board or commission rather than approved administratively, and any appeal rights should apply both to applicant and objecting parties.
2. Variances allowing Heritage Tree removal should only be granted when their preservation prevents all reasonable property uses, rather than simply the desired use in a particular site plan, and subjective criteria such as "dying" should not be allowed to justify removal.
3. The method of calculating the diameter for Heritage Trees should be consistent with the method currently applied by the City in its Protected Trees ordinance.
4. A comprehensive mitigation and compliance incentive program higher than that currently applied to Protected Trees should include an explicit mitigation formula, such as 3- or 4- to 1, or be based on the basal area of the removed tree, and should include penalties sufficient to serve as a strong deterrent to non-compliance with the application and permitting process.
5. In addition, the City should consider protecting additional native species that are important to the region's natural heritage but that may never reach 24" DBH.

Thank you for your consideration.

Cory Walton  
President, Austin Neighborhoods Council