



CITY COUNCIL AGENDA
March 14, 2019

Item/Subject: (OA-18-007) Second Reading And Approval Of An Ordinance To Amend The Cedar Park Code of Ordinances, Chapter 12, Subdivision And Chapter 14, Site Development Regarding Tree And Landscape Requirements And Tree Mitigation Standards. *The Planning And Zoning Commission Voted 6-0 To Recommend Approval Of The Amendments.*

Commentary

The Comprehensive Plan recommends updating development regulations to address design characteristics within the City. Additionally, the recently adopted 2018-2020 Sustainable Future Strategic Goal specifically recommends evaluating the landscape regulations. In response to these recommendations, staff has drafted the following amendments to the Tree and Landscape regulations of Code of Ordinances Chapter 14, Site Development as well as tree mitigation requirements in Chapter 12, Subdivision. As the City continues toward build out and as existing tree cover decreases, revising the minimum requirements will aid in the retention of existing trees on site.

Below is a summary of the existing tree and landscape regulations, a summary of proposed ordinance amendments, and a benchmark city analysis. A redline version reflecting the proposed ordinance amendments is attached for your information.

Existing Tree and Landscape Requirements

Tree and landscape requirements are typically imposed on commercial lots as they develop or re-develop within the City limits and ETJ. These regulations dictate the amount of planting and the size of trees (caliper inches) and shrubs/grasses/groundcovers (gallon size) that shall be planted on site. The required tree survey shows the existing hardwood trees on site and requires mitigation and replacement of any protected and heritage trees proposed for removal. Protected trees are defined as hardwood trees

having a trunk that is 16 inches or more in size. Heritage trees are defined as hardwood trees having a trunk that is 26 inches or more in size.

Required Tree Survey

Cedar Park currently requires a survey of hardwood trees 8” and above. The tree survey is required during the subdivision application and is used as part of the review for the Site Development process to identify existing trees on site, as well as those proposed for removal.

Protected Tree Mandatory Mitigation

Cedar Park currently requires that hardwood trees 16” and above that are proposed for removal be mitigated at a 1:1 ratio. If the inches cannot be mitigated by planting on site, or on public property, a fee in lieu of \$100 per inch is required.

Heritage Tree Mandatory Mitigation

Cedar Park currently requires that hardwood trees 26” and above that are proposed for removal be mitigated at a 3:1 ratio. If the inches cannot be mitigated by planting on site, or on public property, a fee in lieu of \$300 per inch is required.

Minimum Planted Tree Caliper Inch

Cedar Park currently requires that the minimum caliper inch for a shade/canopy tree planted on site be 1.5”. The minimum caliper inch for trees planted within Major Corridors is 2” and the minimum caliper inch for trees planted within any transitional buffer yards (typically where commercial property abuts residential property) is 4” (updated 11/17).

Each development or redevelopment project is handled on a case by case basis for mitigation, either by planting on site, planting on public property, or paying a fee in lieu of planting. In most cases, if all inches removed cannot be mitigated by planting on site, the applicant is able to meet the mitigation requirements by utilizing a combination of planting (either on site or on public land) and payment of the fee in lieu of planting.

Proposed Amendments

Four significant amendments are proposed. These include:

1. Revise minimum tree mitigation caliper from 16” and above to 8” and above and update fees in lieu for mandatory mitigation to have three tiers instead of two
2. Reduce the minimum size of trees surveyed from 8” to 6”
3. Allow a 50% credit for existing 6” to 7.9” trees to count toward tree mitigation for heritage and protected trees in addition to overall site preservation requirement
4. Increase minimum caliper inch of trees required to be planted from 1.5” to 3”

Amendment #1

Tree mitigation ratios are utilized to help offset the loss/removal of existing protected and heritage trees. Fees for mitigation are used when inches removed cannot be replaced on site or on public property. Currently, there are two tiers of tree mitigation. Protected trees (16” – 25”) are mitigated at a 1:1 ratio per inch and Heritage trees (26” and greater) are mitigated at a 3:1 ratio per inch. The tree mitigation classifications are proposed to be further divided to create three mitigation tiers instead of two. The additional tier would provide mitigation for smaller trees and put Cedar Park more in line with surrounding communities. Funds paid into tree mitigation allow for installation and maintenance of trees in city parks and other city owned properties. The current fee in lieu for tree mitigation was last updated in 2013. Below are the proposed mitigation ratios and fees along with the comparison from some of our surrounding communities.

Standards	Cedar Park Existing	Cedar Park Proposed	Leander	Georgetown	Pflugerville	Round Rock
Ratio 1:1 Caliper Inch	16” to 25”	8” to 18.9”	8” to 18”	12” to 25”	8”-17.9”	8” to 19.9”
Fee Per Inch	\$100	\$150	\$150	\$150	\$150	\$150
Ratio 2:1 Caliper Inch	N/A	19” to 25.9”	19” to 25”	26” + (non-heritage spp.)	18”-24.9”	20” to monarch
Fee Per Inch	N/A	\$300	\$150	\$200	\$450	\$300
Ratio 3:1 Caliper Inch	26”+	26”+	26” +	26”+ (heritage spp.)	25”+	Monarch +
Fee Per Inch	\$300	\$450	\$300	\$200	\$450	\$450

Amendment #2 and #3

The minimum caliper inch of existing hardwood trees to be surveyed on site is proposed to be revised from 8” to 6”. The code currently requires that 50% of existing tree cover be preserved on site. This requirement is a challenge to meet within some proposed developments due to site constraints such as lot size, grading and proposed building location.

The amendments also propose allowing hardwood trees between 6” and 7.9” to count as 50% credit toward tree mitigation for protected and heritage trees, in addition to counting toward the overall tree cover requirements. This proposed allowance will assist in offsetting the potential cost of mitigation planting or fee in lieu and protect smaller trees that are more valuable to a site than a newly planted tree. The proposed tree survey and tree credit amendments, as well as a summary of tree survey requirements from surrounding communities, are provided below for reference.

Cedar Park Existing	Cedar Park Proposed	Leander	Georgetown	Pflugerville	Round Rock
8” + (hardwood)	6” + (hardwood) Credit for 6” to 7.9” trees	8” + (all)	12” + (credit for 6” to 11” trees)	8” + (all)	8” + (all)

Amendment #4

The minimum caliper inch of trees to be planted on site is proposed to go from 1.5” to 3”. Revising the minimum caliper inch to 3” would put Cedar Park more in line with the surrounding communities. A comparison of Cedar Park’s requirements to those of surrounding communities is provided below.

Cedar Park Existing	Cedar Park Proposed	Leander	Georgetown	Pflugerville	Round Rock
1.5” caliper	3” caliper	2” caliper	3” caliper	3” caliper	3” caliper

Other Amendments

Additional minor amendments are proposed as noted below:

- Establish an expiration date of 2 years for a tree survey to ensure that trees being surveyed are of an accurate size when the project is submitted for review; and
- Update the City’s Preferred Plant List to remove invasive species
- General text updates to reflect current terms

Planning & Zoning Commission Public Hearing:

The Planning and Zoning Commission held a public hearing on January 15, 2019. No public testimony was received.

Planning & Zoning Commission Recommendation to the City Council:

On January 15, 2019, the Planning and Zoning Commission voted 6-0 to recommend approval of the proposed amendments.

In favor: Mark McDonald, Randy Strader, Sara Groff, Kevin Harris, Candace Lambert, Bob Ingraham

Opposed: None

Absent: Audrey Wernecke

Stated Reasons for P&Z Recommendation:

Support staff recommendation.

City Council Public Hearing:

City Council held a public hearing on February 28, 2019. No public testimony was received.

Public Information Plan:

January 2, 2019: Public notice of the Planning and Zoning Commission public hearings published in the Austin American Statesman

January 15, 2019: Planning and Zoning Commission public hearing and recommendation

February 6, 2019: Public notice of the City Council public hearings published in the Austin American Statesman

February 28, 2019: City Council 1st reading and public hearing

March 14, 2019: City Council 2nd reading of the ordinance

Initiating Dept: Development Services

Fiscal Impact

Budget