



May 15, 2018

Dallas City Council
1500 Marilla Street
Dallas, TX 75201

Re: Proposed Changes to Article X (Tree Ordinance)

The Dallas Builders Association and the residential construction professionals who comprise our organization appreciate the opportunity to work on proposed changes to the landscaping and tree preservation requirements of Article X. For more than 70 years, we have dedicated ourselves to making Dallas an outstanding place to live. Trees planted by our members transformed much of our city from open fields to the beautiful tree-lined neighborhoods we call home.

Future development of our city requires a responsible approach that preserves and renews our urban canopy without compromising housing affordability. Although every regulatory fee is reflected in the home's final purchase price, the impact of regulation can be substantially reduced by adding clarity, predictability and transparency. With that in mind, we can support this ordinance if the following issues are addressed and proposed changes are included.

- **For Class 3 trees, raise the minimum diameter requiring protection from 8 to 20 inches.**
 - As proposed, the ordinance broadens the scope of protected trees to include mesquites, hackberries and other species that were previously not protected (no removal fee assigned).
 - Many of these trees are found in great quantities on property throughout Dallas. Even though they are assigned a lower removal cost, the cost adds up quickly due to volume.
 - Raising the protection threshold for these trees reduces high costs associated with removing large quantities of small trees, while still encouraging the preservation of larger trees that offer more canopy coverage.

- **Include credit for replacement trees now required by state law.**
 - HB7, which became effective in December, was supported by the City of Dallas and the Dallas Builders Association in the most recent legislative session. By focusing on credit for planting replacement trees, we felt this was a better alternative to more aggressive proposals that sought to remove municipal authority from tree mitigation and preservation entirely.
 - The proposed changes to Article X describe the process, but do not currently provide for the result guaranteed by the new law. As such, the Dallas BA recommends that the following language, taken nearly verbatim from the state statute, be added to the provisions in Section 10.135 concerning the Reforestation fund:

- For each individual tree removed or seriously injured that is replaced by a tree meeting the species, location, minimum size and timing requirements prescribed in Section 10.134, the responsible party shall receive credit reducing payment to the Reforestation fund that is:
 - (A) equal to the amount of the payment required if the property is an existing one-family or two-family dwelling that is the responsible party's residence
 - (B) at least 50 percent of the amount of the payment required if the property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and
 - (C) at least 40 percent of the amount of the payment required if the property is not a residential structure or the responsible party is constructing or intends to construct a structure on the property that is not a residential structure.

- **Publish the fees in the ordinance.**

- Article X defers the fees associated with the ordinance to the *Guide for Establishing Values of Trees and Other Plants*. For the sake of transparency, clarity and predictability, the fees should be published in the ordinance itself.
- Property owners or those considering the purchase of property in Dallas, should look no further than Article X itself to evaluate the entire impact of the ordinance.

- **Ensure that the Reforestation fund is utilized effectively and for its intended purpose.**

- Proposed amendments to Article X add administrative expenditures to the fund, but fail to add needed accountability. The lack of accountability has contributed to the fund's large balance. The ordinance requires the industry to do its part. Dallas must uphold its end of the bargain.
- We encourage council to consider expanding permissible uses of the fund. These solutions could include the acquisition and development of parkland and partnerships with non-profit organizations focused on planting and caring for trees within city limits.

We appreciate the opportunity to convey our thoughts on the proposed changes to Article X. We have provided these and many more over the past few years and in the weeks and months leading to this ordinance being placed before you. The changes we ask you to consider provide clarity, predictability and transparency that will enable our members to provide Dallas residents with safe, affordable and sustainable communities for many years to come.

Sincerely,



Phil Crone
Executive Officer, Dallas Builders Association