

SUBJECT: Requiring a tree planting credit to offset tree mitigation fees

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 6 ayes — Alvarado, Leach, Bernal, Isaac, J. Johnson, Zedler

0 nays

1 absent — Elkins

SENATE VOTE: On final passage, April 5 — 30-0

WITNESSES: None

DIGEST: SB 744 would require a municipality that imposed a tree mitigation fee for tree removal necessary for development or construction on a person's property to allow that person to apply for a tree planting credit to offset the fee. The amount of the credit would be applied in the same manner as the tree mitigation fee assessed against the person and be at least 50 percent of the tree mitigation fee.

The bill would require an application for a tree planting credit to be in the form prescribed by a municipality. To qualify for a credit, a tree would need to be:

- planted on property where the tree mitigation fee was assessed or on property agreed upon by the municipality and the property owner, with the option to consult certain organizations to identify a suitable area for planting; and
- at least two inches in diameter at the point on the trunk 4.5 feet above the ground.

As long as a municipality provided a credit to offset a tree mitigation fee, the bill would not affect the municipality's ability to determine:

- the size, number, and type of trees required to be planted to receive

credit, except as provided by the bill's requirements on planting location and tree size;

- the requirements for tree removal and corresponding tree mitigation fees; or
- the requirements for tree planting and management practices to ensure the mature tree reached its anticipated height.

The bill would not apply to property within five miles of an active federal military base in use as of September 1, 2017.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply only to tree mitigation fees assessed on or after that date.

**SUPPORTERS  
SAY:**

SB 744 would encourage developers and builders to plant trees to replace those they had removed during construction. The bill would allow for municipalities to direct the planting of these trees to areas other than the property being developed, which could place more trees in areas most at risk of flooding or air pollution. Developers and builders also would retain the ability to plant replacement trees on the sites being developed.

**OPPONENTS  
SAY:**

SB 744 could encourage developers and builders to remove trees from development properties to maximize space on which to build. New developments are associated with increased air pollution from vehicles and create additional impervious cover that worsens flooding. A lack of trees where new developments were constructed would exacerbate these issues.

**NOTES:**

A companion bill, HB 2052 by Phelan, was approved by the House on May 9.