



City of Denton
MINUTES
COMMITTEE ON THE ENVIRONMENT

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

Monday, February 4, 2019

1:30pm

City Council Work Session Room

After determining that a quorum of the Committee on the Environment of the Denton City Council was present, the Committee on the Environment thereafter convened into an Open Meeting on Monday, February 4, 2019 at 3:01 p.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas

Council Members: Chair Council Member Keely Briggs, Council Member Paul Meltzer, Council Member John Ryan

Also Attending: Mario Canizares, ACM; Kenneth Banks, General Manager Utilities; Richard Cannone, Deputy Director of Development Services; Haywood Morgan, Urban Forester; Vanessa Ellison, Recycling Education Coordinator; Kim Mankin, Administrative Manager

REGULAR MEETING

A. **COE19-004** - Consider approval of the Committee on the Environment of the Denton City Council Meeting minutes of January 22, 2019.

Approved as circulated.

B. **COE19-005** - Receive an update and provide a recommendation on the Conservation and Landscape Code, Subchapter 17 of the Denton Development Code.

Richard Cannone gave the presentation on this item highlighting some key items.

Background:

COE Policy discussion with City Council and COE in April/May 2018.

Based on input from COE, DCRC, PZC, CC, Public, and Legal:

- Comply with Texas Local Government Code, Section 212.095
- Unify with landscaping standards and ESA standards
- Limit clear cutting and increase preservation
- Require mitigation for all trees removed
- Guide priorities toward preserving larger and quality trees, tree stands, and habitat
- Promote a multi-aged urban forest with native and quality trees

Outreach

- Denton County Ag Ext/Master Gardeners
- Draft Posted on Website (11/16/2018)
 - 4 Comments
- Keep Denton Beautiful (12/13/2018)
- North Texas Urban Forestry Council (2/13/2019)
- American Society of Landscape Architects (2/13/2019)

Overall Summary

- Five Major Elements:
 1. Environmentally Sensitive Area (ESA)
 2. Tree Preservation
 3. Buffers
 4. Street Trees
 5. Landscape Area
- Preserved Trees will now count for Landscape and Canopy
- New plantings will require diversity of tree age/species
- Low Impact Development Standards
- No Pervious Area Credit
- No ESA Credits for Canopy of Landscape Area
- Buffer and Landscape Area based on Flexible Point System

Environmental Sensitive Areas (ESA)

- Text was re-organized/clarified to make process such as ESA field assessments, project reviews, and map amendments easier to differentiate and follow.

Tree Preservation

- Requirements for a Tree Removal Permit have been updated to more clearly define that such a permit is needed for any removal authorized under a Tree Survey and Preservation Plan.
- Enforcement provisions within the Tree Preservation subsection have been updated to reflect the same provisions currently in the DDC.

Protected Trees is new

Heritage Tree is any healthy tree with an eighteen (18) inch or greater dbh.

Quality Tree is all healthy trees that have a dbh that is greater than six (6) inches, but is less than eighteen (18) inches.

Large Secondary Trees is all healthy Mesquite, Bois Arc, Locust Hackberry and/or Cottonwood trees with an eighteen (18) inch or greater dbh.

Secondary Trees is all healthy Bois D' Arc, Hackberry and/or Cottonwood trees that have a dbh that is greater than six (6) inches, but is less than eighteen (18) inches.

Non-Protected Trees

- Mesquite unless part of a Preserved Habitat or Conservation Easement
- Honey Locust (thorned), unless part of a Preserved Habitat or Conservation Easement
- Crepe Myrtle (multi-trunk)
- Diseased or dead trees
- Trees that poses an imminent or immediate threat to persons or property
- Any tree listed on the Texas Department of Agriculture Noxious and Invasive Plant List

Cannone showed different tables with Preservation & Mitigation requirements for Non-Infill Lots and Protected Trees.

Protected trees: 30 percent DBH minimum preservation and 70 percent DBH mitigation.

Cannone then showed an acre lot using the i-Tree Design and planted with trees to show what is needed for that lot. Currently the only required preservation are for quality or secondary trees. Using that same lot he showed different scenarios using the i-Tree Design tool with explanation.

Something new that staff included in the infill development is a suggestion to allow a decrease preservation for properties that need the infill development. That definition is: Development on a vacant parcel or groupings of vacant lots within an existing block surrounded by existing development that is contiguous on at least two (2) sides for corner lots and contiguous on at least three (3) sides for interior lots (existing development located directly in front on the other side of the street may count as a side for interior lots only), no greater than two (2) acres in size, and is served with all or most public services and facilities, including but not limited to water, wastewater and drainage.

Mitigation – Tree Replacement

Current: \$125 per inch

Proposed: \$286 per inch which includes purchase, planting, water tap, meter and irrigation

Texas Supplement to the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers: \$202/inch average cost per inch of purchasing a tree and keeping it alive for one year.

Tree Preservation Relief

Included Cross-Reference - Currently in Subchapter 3 of the DDC

- Allows a determination of whether Tree Preservation and related development applications, would if not modified or other relief granted, may unreasonably burden the development of the property.
- City Council shall consider whether there is any evidence from which it can reasonably conclude that the application of all or a part of the provisions of tree preservation may deprive the applicant of all economically viable use of the property, based on the following factors:
 1. Whether there is a unique physical circumstance on the property.
 2. Whether the proposed design has minimized the loss of trees to the extent possible.
 3. Whether preservation and/or mitigation unduly burdens the development of the property.

Alternative Tree Preservation Plan is new

Reintroduced - Currently in Subchapter 13 of DDC.

- Allows a site that cannot meet the strict requirements to present an alternative proposal that meets the intent of the code to the Planning and Zoning Commission.
- Although these provisions have not been used under the current code, Staff felt it was important to maintain these procedures to allow for flexibility in unique circumstances.

Intended to be used to count Secondary Trees as part of the required preservation or smaller dbh for Quality Trees or Black Jack and Post Oaks.

Landscape/Tree Canopy – Mitigation is new

Landscape Requirements (35.17.6.B):

- Payment in Lieu of required plantings where site or easements, encumbrances, physical constraints, or life safety requirements limit the ability to plant (non replacement) trees.
- 10% Max Reduction
- ADP required for anything above 10%

Next Steps are Planning and Zoning Public Hearing on February 20, 2019 and City Council Consideration on March 5, 2019.

Briggs concerns include:

1. Not a minimum percentage that has to be saved unless there is an ESA. Cannone added they are required to preserve a minimum of 30 percent of the dbh, that hasn't changed. Briggs asked to make sure that is clear.
2. Glad that secondary is included but believes 18 inch dbh is too large would like that to be 12 inch dbh.

3. There is an area in the ordinance that states: No tree will be remove until the final plat is approved. Developers will cut down trees before the plat is filed. How can we make sure that doesn't happen. Cannone answered to require a permit for any tree removal and not allow those permits until the final plat is approved.

Meltzer asked what is the consequences for cutting down a tree without a permit. Cannone answered it would go through the regular enforcement provisions. We would have to go out and determine what was removed and assess it that way.

Meltzer then asked if a property is in the floodplain, does staff ever say if you really want to build you can. If a developer can't reasonably do what is needed in the tree code, does staff let them develop anyway.

Ryan stated where this may come into play would be a two acre spot where most of the trees are in the only area the land is not in a floodplain. You would need an alternative to plant in the floodplain area to develop, but still couldn't meet the 30 percent preservation because all the trees are in the only area to build.

There was discussion regarding the acre lot scenarios.

Briggs asked about her 1st comment with regard to single family development. Cannone answered it is exempted as a result of the Texas Local Government Code. Briggs added it would help if the ones that are Texas Local Government Code are marked as such so people will know.

Briggs then asked about replacement of trees when they die, do we have a way to enforce that. Cannone answered through the approved landscape plan it will be. Briggs then asked what that enforcement process be. Cannone answered it is a zoning enforcement.

Briggs would like any alternative plans go through the same process.

Briggs asked if there are there notifications sent? Cannone answered if it is tree removal, there is a sign that will go on the property.

Meltzer asked if the analysis will come back for the open space master plan. Cannone answered it will come back when the tree inventory and master planting plan are presented.

C. COE19-006 - ACM Update:

1. Greenhouse Gas Contribution and Climate Risk Assessment Data Exploration
2. Update December – Sustainability, Recycling, and Learn 2 Conserve Events
3. Unlined Channel and Lined Channel Extension Request
4. Matrix

CONCLUDING ITEMS

Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Public Utilities Board or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information

regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda

Briggs – There are Counties and Cities that have ‘fix it’ clinics for reuse (Santa Fe County) what is the feasibility of COD doing something like this.

Briggs - Recycle Mania UNT are there opportunities to partner with this group? Vanessa Ellison answered staff is involved and have been speaking with them.

Adjournment: 3:47pm

Approved Mar. 7, 2019