



City of Denton
MINUTES
COMMITTEE ON THE ENVIRONMENT

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

Monday, November 5, 2018

2:00pm

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, November 5, 2018 at 2:00 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; Scott McDonald, Development Services Director; Richard Cannone, Deputy Director of Devt Services; Katherine Barnett, Sustainability and Customer Initiatives Manager; Haywood Morgan, Urban Forester; JT Douglas, Conservation Coordinator; Sarah Luxton, Sustainability Coordinator; Vanessa Ellison, Recycle Education Coordinator; Kim Mankin, Administrative Manager

REGULAR MEETING

- A. COE18-037** - Consider approval of the Committee on the Environment of the Denton City Council Meeting minutes of September 17, 2018.

Approved as circulated.

- B. COE18-036** - Receive a report, hold a discussion, and give staff direction on the draft Conservation and Landscape Code.

Richard Cannone gave the presentation. This is the final draft of the Conservation and Landscape Code.

Overview includes goals, look at the changes in regards to Environmentally Sensitive Areas (ESA's) landscape and tree preservation. Front yard trees are required for single family homes as well as language for the butterfly garden and increase the street tree requirements.

Briggs added it is consensus that there is back yard tree as well in single family homes.

Goals:

- Unify Codes - Conservation and Landscape Code
- Comply with Texas Local Gov Code
- Limit clear cutting/mitigation required
- Guide priorities toward preserving larger and quality trees, tree stands and habitat
- Promote a multi-aged urban forest with native and quality trees
- Balance trees with reasonable development

Environmentally Sensitive Areas:

Eliminated the following credits - Tree Canopy Credit plus Landscape Credit

Required mitigation for removal of upland habitat and alternative ESA's.
There was discussion on the ESA's.

Landscape – Canopy Goal:

The goal was split east of I-35 at 40 percent and west of I-35 at 20 percent.
There was discussion on this item regarding parks planting and development planting.

Residential Canopy Landscape Area and Non- residential Canopy Landscape Area:

Maintain or Improve minimum landscape area and canopy requirements.

- No ESA credits for Canopy or Landscape Area
- No Previous Area Credit
- Required new plantings help attain a multi-aged urban forest
- Require biodiversity, if planting over ten trees no more than 20 percent can be from the same tree genus.

Texas Local Government Code Section 212.905:

Mitigation Fee Credit - A municipality that imposes a tree mitigation fee for tree removal on a person's property must allow that person to apply for a credit for tree planting to offset the amount of the fee.

Credit is obtained if: Planted on property for which the tree mitigation fee was assessed or mutually agreed upon by the municipality and the person and at least two inches in diameter at the point on the trunk 4.5 feet above the ground.

Residential credit - Prohibited from requiring that homeowners pay mitigation fees for removing trees that are under 10" in diameter at breast height (DBH).

At least 50 percent of the amount to the tree mitigation fee assessed if:

- The property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and
- The person is developing, constructing, or renovating the property not for use as the person's residence.

Nonresidential credit:

At least 40 percent of the amount of the tree mitigation fee assessed if:

- The property is not a residential structure; or
- The person is constructing or intends to construct a structure on the property that is not a residential structure.

Tree Preservation

Protected Trees:

- Landmark
- Heritage
- Quality
- Secondary

Non-protected Trees:

- Dead or Unhealthy Trees;
- Crepe Myrtle (multi-trunk)
- Mesquite unless part of a Preserved Habitat or Conservation Easement;
- Honey Locust (thorned), unless part of a Preserved Habitat or Conservation Easement; or
- Any tree listed on the Texas Department of Agriculture Noxious and Invasive Plant List.

Briggs asked if the specific trees for protected and non-protected will be listed in the code. A good example is Little Rock's tree code, they have all the trees listed. Cannone answered that information is currently in the criteria manual, it is confusing because there is a native list and to plant according to the 'approved' list. Cannone would like to list out as Briggs has suggested for clarity.

Cannone then went through different examples; single family, multi-family and a non-residential. What the current codes is and what they would be with the new additions to the code.

A Single Family example was given which was 2401 Bonnie Brae in detail. About 94 percent of the canopy is mesquite trees that vary in size. About six percent would be quality trees. There was a lot of discussion regarding the canopy, coverage and quality trees.

Metzler stated the policy emphasizes preservation of quality trees and replanting quality but doesn't speak to the secondary trees. Haywood Morgan stated quality trees generally have a higher value in landscape when you look at the formulas that they use to appraise trees. Secondary trees do have value generally they are the ones that show up without much maintenance. The larger the tree is the longer it takes to replace it.

Cannone then talked about a recent multi-family project at 404 Industrial that had quality trees as well as secondary. The detail sheet was shown and discussed.

Lastly a non-residential example was given which was 1515 Loop 288. This example was 90 to 95 percent Post Oak trees. Details was shared on this example as well.

Metzler asked what the process of a mitigated tree, is there a time limit. Cannone answered currently it is only by concern. Staff is starting to make sure the site is visited annually for compliance.

Anticipated Timelines are as follows:

City Council 11/13/2018

Planning and Zoning Public Hearing 11/28/2018

Planning and Zoning Public Hearing 12/12/2018

City Council Adoption 12/18/2018 or 1/15/2019

Briggs would like to make sure there are some protections in place for root zones. If we are going toward preserving and making sure we are saving high quality trees they do need to be protected. Examples would be no paving within a certain distance of the root zone, no parking and no grade changes.

The committee members thanked Cannone for all his work on this.

C. COE18-038 - ACM Update:

1. Nuclear Fuel Reprocessing
2. 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: Consultants recommendation for recycling and bulk there were a few items that Council asked to come to COE for discussion and haven't made it here. She would like to know when this Committee will look at those recommendations. Banks will look into it.

Briggs: Citizen Environmental Advisory Board doesn't believe this is 'complete' as the status on the matrix, this Committee is interested in exploring that option.

Metzler: There was a Council Work Session on gas well setbacks that didn't reach consensus. It is in large part due to 'not agreed on' locally based science on what is safe and healthy. Interested in seeing if staff could figure out a way to design, conduct or incentivize a scientifically valid study of local safe and healthy set back distances for gas wells. Part of the issue is they are not active now, is it unthinkable for the purposes of research to go to a well to simulate them being active in order to take measurements and have a factual basis for discussion. This would be off of politics and on to science.

Briggs added that Nov 15 is America Recycle Date. She thanked the sustainable group.

Adjournment: 2:50pm

Approved Dec. 3, 2018