City of Bastrop Planning & Zoning Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the Commission Secretary at (512) 332-8840 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

1. CALL TO ORDER

2. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Commission, please submit a fully completed request card to the Commission chairperson prior to the beginning of the meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, city Commission cannot discuss issues raised or make any decision at this time. Instead, city Commission are limited to making a statement of specific information or a recitation of existing policy in response to the inquiry. Issues may be referred to city staff for research and possible future action.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Commission to allow a member of the public to slur the performance, honesty, and/or integrity of the Commission, as a body or any member or members of the Commission, individually or collectively, nor any members of the city’s staff. Accordingly, profane, insulting, or threatening language directed toward the Commission and/or any person in the Commission’s presence will not be tolerated.
3. ITEMS FOR INDIVIDUAL CONSIDERATION

3A. Discussion on the Bastrop Building Block (B3) Code, including, but not limited to:
   • Tree Preservation
   • Street Sections
   • Signage.

4. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastian.org and said Notice was posted on the following date and time: Tuesday, June 11, 2019 at 4:00 p.m. and remained posted for at least two hours after said meeting was convened.

Ann Franklin, City Secretary
MEETING DATE: June 22, 2019

AGENDA ITEM: 3A

TITLE: Discussion on the Bastrop Building Block (B3) Code, including, but not limited to:
- Tree Preservation
- Street Sections
- Signage.

STAFF REPRESENTATIVE:
Matt Jones, Director of Planning and Development

BACKGROUND/HISTORY:
On May 29, 2019, a Joint Meeting was held between the Planning and Zoning Commission and City Council to introduce the complete draft Bastrop Building Block (B3) Code. In the discussion between the Commission and Council, there were several specific topics that were identified for the Commission to review and provide recommendations back to Council.

At the June 6th Planning and Zoning Commission meeting three topics were discussed:
- Permitted Use Chart
- Community Value Nuisances
- Accessory Dwelling Units

The discussion and recommendations will be included for City Council review at the Joint Meeting in July.

The remaining topic areas have been broken down into the following groups to discuss at the Planning and Zoning Meetings.

Saturday, June 22nd, 8:30 a.m. to 1:30 p.m. – Special Workshop Meeting
Topics:
- Tree Preservation
- Street Sections
- Signage

Thursday, June 27th, 6:00 p.m. – Regular Meeting
Topics:
- Applications and Checklists
- Development Flow Chart
- Parking Regulations
Tuesday, July 9th, TBD – Joint City Council and Planning and Zoning Meeting
Topics:
  • Discuss findings and recommendations

Attached for the discussion on Tree Preservation is the information that was presented during the 2018 review of the Subdivision Ordinance, as requested by the Commission.

The Draft Bastrop Building Block (B3) Code can be found online at: https://www.cityofbastrop.org/upload/page/0381/docs/Bastrop%20Building%20Block%20Code%20Working%20Draft%20-%20May%202019.pdf

ATTACHMENTS:
July 18, 2018 Draft Subdivision Tree Preservation
10.36.010 - Preservation of trees and native vegetation.

A. Purpose. The purpose of these regulations is to promote the preservation of trees, tree stands and existing tree canopy, to protect trees during construction, to facilitate site design and construction that contribute to the long-term viability of existing trees, to increase property values and promote environmental sustainability and to regulate the removal of trees. To the extent possible, the natural landscape shall be preserved in its natural state. Structures, driveways, and parking areas shall be designed and located to fit harmoniously with the natural environment and to minimize the necessity for removing trees, native vegetation, and soil, or the addition of fill. Site clearing shall not be permitted beyond what is necessary to provide locations for structures, driveways, parking, or small yard areas not visible from the street. An appeal or an application for relief may be approved by the Planning and Zoning Commission as specified in 10.36.010.G.6. An applicant may also submit a proposal for an alternative tree plan as specified in 10.36.010.I.9.

B. Coordination with City Ordinances. The developer is reminded that the zoning ordinance requires landscaping (Chapter 14, Exhibit A, Section 39) and that the subdivision ordinance requires street trees (Section 10.36.030.S below) in certain situations. Sufficient space on each lot should be provided to accommodate these requirements.

C. Applicability. Unless otherwise exempted, this section shall apply to the following in the City Limits and the Statutory ETJ:

1. Undeveloped land; and
2. All property to be redeveloped including additions and alterations, but not including interior or exterior alterations that do not change the footprint of the building and do not require the removal of trees.

D. Exemptions.

1. Developments that have a completed application on file for a preliminary or final plat, site development plan or building permit, whichever is applicable, as of the effective date of the ordinance codified in this section.
2. Any development for which construction has begun on infrastructure improvements pursuant to a city-approved development agreement as of the effective date of the ordinance codified in this section.
3. Property of less than one (1) acre on which a single-family residential dwelling exists.
4. Trees located within the visibility triangle as defined on a plat of record or under Section 10.36.020.D of the subdivision ordinance.
5. Public utilities may be exempted from these requirements upon filing a route plan prior to the removal of trees or initiation of construction, which satisfactorily demonstrates that the proposed installation lies within an existing easement recorded prior to the effective date of the ordinance codified in this section.
6. Public utilities have the right to trim, cut and/or remove any trees that:
   a. Interfere with or encroach upon the operations of existing public utilities; or
   b. Create a safety issue for utility crews; or
   c. Create a safety issue for the public.
7. Nursery trees that are planted and growing on the premises of a wholesale nursery that are intended for sale in the ordinary course of business.
8. Any tree determined by the City’s Inspector to be diseased, dying, dead, creating a public nuisance or damaging a foundation. The City’s Inspector may request that the owner retain a qualified professional (certified arborist, registered landscape architect, or qualified botanist) to make the determination.
9. Any tree determined to be causing a danger or be in a hazardous condition because of a natural event such as a tornado, storm, or flood that endangers the public health, welfare or safety and requires immediate removal.

10. Clearing of understory trees and brush necessary to perform soil borings, boundary surveying of real property or to conduct tree surveys and inventories as long as the clearing for surveying shall not exceed a width of two feet (2’) for a general survey (i.e., of easement boundary, etc.) and eight feet for a survey of property boundary lines. No tree having a ten-inch (10”) diameter at breast height (dbh) or greater shall be removed under this exemption.

11. Capital improvement projects.

12. Trees located within the right-of-way and the adjacent utility easements.

13. Trees located within drainage facilities (easements and detention ponds) as defined on a plat of record.

14. Exemptions made because of an appeal or an application for relief as specified in Paragraph F below.

E. Tree Designations.

1. Protected Trees. Any healthy tree with an eighteen-inch (18”) or greater dbh and not in a quality tree stand or not a Mesquite, Bois d'Arc, Ashe Juniper, Locust, Hackberry, Gum Bumelia, Box Elder, and/or Cottonwood. All trees greater than eighteen inches (18”) dbh shall be considered a protected tree unless a detailed tree inventory is submitted by the applicant verifying that it is a Mesquite, Bois d'Arc, Ashe Juniper, Locust, Gum Bumelia, Box Elder, Hackberry, or Cottonwood.

2. Quality Trees. All healthy trees that have a dbh that is greater than ten inches (10”) but is less than eighteen inches and not within a quality tree stand shall be considered a quality tree. All trees shall be considered quality trees unless a detailed tree inventory is submitted by the applicant identifying the tree as a secondary tree.

3. Quality Tree Stands. Three or more contiguous quality trees whose canopies are generally clustered together creating a contiguous drip line. All tree stands shall be considered quality tree stands unless a detailed tree inventory is submitted by the applicant identifying the tree stand as a secondary tree.

4. Large Secondary Trees. All healthy Mesquite, Bois d'Arc, Ashe Juniper, Locust, Hackberry, Gum Bumelia, Box Elder, and/or Cottonwood trees with a diameter of eighteen inches (18”) or greater dbh.

5. Secondary Trees. All healthy Mesquite, Bois d'Arc, Ashe Juniper, Locust, Hackberry, Gum Bumelia, Box Elder and/or Cottonwood trees that have a dbh that is greater than ten inches (10”) but less than eighteen inches (18”).

6. Secondary Tree Stands. Three or more contiguous secondary trees whose canopies are generally clustered together creating a contiguous drip line. A secondary tree stand must consist of at least eighty percent (80%) of secondary tree species.

F. Permit Required.

1. Unless the tree is exempt under Section 10.36.010.D above, no person, directly or indirectly, shall intentionally cut down, destroy, remove or move, or intentionally destroy or damage any quality tree or protected tree without first obtaining a tree removal permit and complying with the requirements of this section.

2. No grading or excavation permit shall be issued, and no grading shall take place on any undeveloped property that contains trees subject to this section without first obtaining a tree removal permit or demonstrating that a tree removal permit is not required.

3. No heavy equipment shall be moved onto a site prior to all applicable permits being issued.
4. Trees greater than ten inches (10") dbh and not defined as a quality tree or protected tree within this subsection may be removed with a permit.

5. Trees less than ten inches (10") dbh may be removed without a permit. Site clearing may not be completed with heavy equipment under the drip line of the trees or stands to be preserved that are protected in accordance with Section 10.36.010.H.5.

G. Permit Review and Approval Process.

1. A request for a tree removal permit shall be submitted and approved prior to the removal of any quality tree or protected tree in the city.

2. A complete application shall be submitted along with the application fee, if required. The fees shall be established by the city council and published in Appendix A10.03.002 of the Bastrop Code of Ordinances. A complete application includes:

   a. Tree Inventory and Tables. The applicant shall prepare and submit a drawing showing the location and species of each tree with a trunk ten inches or greater (10"+) dbh. In areas of dense vegetation or a tree stand that are proposed to be undisturbed, an outline of the vegetation may be shown. The plan shall be prepared by a registered landscape architect, urban forester, botanist, arborist, or professional land surveyor that has documented completion of at least eight hours of training in Texas tree identification. Tables shall accompany the inventory to identify the tree by the number on the plan and list the tree species, tree designation, and size (dbh). Tree stands or dense vegetation shall be inventoried by the number on the plan and shall specify the area of the continuous drip line. The tree inventory plan shall be in substantial conformity with the plan submitted with the Preliminary Plat application.

   b. Tree Preservation and Mitigation Plan. The Tree Preservation and Mitigation Plan shall be submitted prior to, or along with the civil plans, grading permit, or building permit application.

3. Tree Inventory and Tree Replacement/Mitigation Plan Required. The applicant shall prepare and submit a drawing showing the location and species of each tree with a trunk greater than ten inches (10") in diameter measured at a point four and one-half feet (4-1/2') above the ground (DBH). In areas of dense vegetation that are proposed to be undisturbed, an outline of the vegetation may be shown. The plan shall be prepared by a registered landscape architect, urban forester, botanist, arborist, or professional land surveyor that has documented completion of at least eight hours of training in Texas tree identification. The tree survey shall be submitted prior to, or along with the preliminary plat application, grading permit, or building permit application.

4. Tree removal permits shall be valid for a period of one hundred eighty (180) days.

5. Upon request of the applicant, the Director of Planning shall be authorized to work with the owners, developers, and builders to make non-substantive changes, within the scope of this section, to plans, permits, and other requirements throughout the development and construction processes that will provide the greatest reasonable tree survival. The decision of the Director of Planning may be appealed by the applicant to the Planning and Zoning Commission.

6. The applicant may file an application for relief from the tree preservation/mitigation requirements to the Planning and Zoning Commission. An application for relief shall include the following items:

   a. Letter detailing the specific relief requested and rationale;

   b. Tree inventory and/or aerial;

   c. Site Plan showing topography and other site-specific features; and

   d. Alternative tree preservation/mitigation plan.
H. Preservation. The following requirements for tree preservation and protection shall apply unless an application for relief has been submitted by the applicant and approved by the Planning and Zoning Commission:

1. Any tree designated as a protected tree or a large secondary tree shall be preserved unless mitigation is provided under the requirements of subsection I below.

2. The minimum percentages of all dbh or percentage tree canopy of quality trees, quality tree stands, secondary trees, or secondary tree stands that must be preserved as shown in Table 10-1. Any request to preserve less than the required amount must be approved by the Planning and Zoning Commission.

3. All percentages relating to preservation stated within this section shall be based on the initial tree inventory plan. Any subsequent redevelopment of property must minimally preserve the applicable percentage of the total dbh of quality trees by the initial tree survey.

4. A notation shall be placed on the site plan or final plat referencing the tree preservation and mitigation plan on file with the city planning department. The notation shall limit any future unauthorized land disturbing activity or construction that would impact and/or damage the tree(s) to be preserved or protected.

5. To preserve the required mandatory areas of natural vegetation landscape from inadvertent damage during construction, a physical barrier shall be erected around the perimeter of these inviolate areas. The barriers will be in place and approved by the City Engineer before any heavy equipment is place on site or before any site clearance can commence in accordance with Section 10.32.020.G. The barrier may consist of a temporary chain link fence, wooden stake (snow) fence, plastic safety/construction fence or other devices as approved by the City Engineer. Minimum height of all types of barriers is four feet. Barriers shall remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the certificate of occupancy. Only after this time can the barriers be removed.

6. Replacement of any preserved trees or stand which dies within two (2) years due to construction or development activities will be the responsibility of the developer on a one to one (1:1) caliper inch basis.

I. Mitigation. If preservation cannot be reasonably achieved, then the following mitigation standards shall apply:

1. Protected trees and large secondary trees may be removed if mitigated as required on Table 10-2.

2. Quality trees, quality tree stands, secondary trees and secondary tree stands may be removed in excess of the minimum preservation requirement provided the excess removal is mitigated as required on Table 10-2.

3. Mitigation is only required to be calculated for secondary trees equal to or greater than eighteen inches (18") dbh.

4. Each replacement tree shall be a minimum of two-inch (2") caliper and at least five feet (5') in height when planted.

5. Mitigation shall be calculated for the entire development, as applicable. Trees required for mitigation may be planted at the time of development or when an individual lot is developed. A note shall be placed on the face of the final plat, and a statement provided in the deed restrictions, referencing the tree preservation and mitigation plan on file with the city planning department and noting the calculations for preservation and mitigation for the entire development and for each phase and lot. A mitigation plan and an irrigation plan will be required with the application for each building permit.

6. With the approval of the Director of Planning, fifty percent (50%) of the trees required to be planted as mitigation may be planted off-site at city parks, the city tree farm, or other public areas.
7. If trees are planted as mitigation under this subsection, the developer shall post a two-year (2-yr) maintenance surety bond or cash bond meeting the requirements under Section 10.32.020.B for the cost to replace the trees. Upon completion of the two-year landscape

Table 10-1
Preservation Requirements for All Subdivisions
(See Table 10-2 for mitigation requirements)

<table>
<thead>
<tr>
<th>Total Subdivision Size</th>
<th>Protected Trees</th>
<th>Quality Tree and Quality Tree Stands*</th>
<th>Large Secondary Trees</th>
<th>Secondary Trees and Stands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than ½ acre</td>
<td>None</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>½ acre to 1 acre</td>
<td>A minimum of 50% of protected trees must be preserved</td>
<td>A minimum of 5% of all quality trees must be preserved, and/or a minimum of five 5% of the area of quality tree stands must be preserved.</td>
<td>A minimum of 5% of large secondary trees must be preserved</td>
<td>None</td>
</tr>
<tr>
<td>1 acre to 2.5 acres</td>
<td>A minimum of 60% of protected trees must be preserved</td>
<td>A minimum of 10% of all quality trees and/or 10% of the area of quality tree stands must be preserved.</td>
<td>A minimum of 10% of all large secondary trees and/or 10% of large secondary tree stands must be preserved.</td>
<td>None</td>
</tr>
<tr>
<td>Greater than 2.5 acres</td>
<td>A minimum of 70% of protected trees must be preserved</td>
<td>A minimum of 20% of all quality trees and/or 20% of the area of a quality tree stands must be preserved.</td>
<td>A minimum of 20% of large secondary trees must be preserved.</td>
<td>None</td>
</tr>
</tbody>
</table>

* The minimum percentage required to be preserved may be met in a single quality tree stand.

Table 10-2
Mitigation Requirements for All Subdivisions
(Ratios indicate number of caliper inches removed to caliper inches replaced)

<table>
<thead>
<tr>
<th>Total Subdivision Size</th>
<th>Protected Trees</th>
<th>Quality Tree and Quality Tree Stands</th>
<th>Large Secondary Trees</th>
<th>Secondary Trees*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than ½ acre</td>
<td>If removed, mitigated at a 1:0.25 ratio</td>
<td>If removed, mitigated at a 1:0.25 ratio</td>
<td>If removed, mitigated at a 1:0.25 ratio</td>
<td>None</td>
</tr>
<tr>
<td>½ acre to 1 acre</td>
<td>If removed, mitigated at a 1:0.5 ratio</td>
<td>If removed, mitigated at a 1:0.5 ratio</td>
<td>If removed, mitigated at a 1:0.25 ratio</td>
<td>None</td>
</tr>
<tr>
<td>1 acre to 2.5 acres</td>
<td>If removed, mitigated at a 1:0.75 ratio</td>
<td>If removed, mitigated at a 1:0.75 ratio</td>
<td>If removed, mitigated at a 1:0.5 ratio</td>
<td>If removed, mitigated at a 1:0.25 ratio</td>
</tr>
<tr>
<td>Greater than 2.5 acres</td>
<td>If removed, mitigated at a 1:1 ratio</td>
<td>If removed, mitigated at a 1:1 ratio</td>
<td>If removed, mitigated at a 1:0.75 ratio</td>
<td>If removed, mitigated at a 1:0.5 ratio</td>
</tr>
</tbody>
</table>
Mitigation is only required to be calculated for Secondary Trees equal to or greater than twelve inches (12") dbh.

establishment period for replacement trees, the city shall inspect the trees and determine whether ninety percent (90%) of the trees are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the city shall release the currency or bond. In the absence of such a finding, the applicant shall be notified to replace any unhealthy or dead trees. If the applicant does not take remedial steps to bring the property into compliance, the city shall make demand for payment on the cash bond, surety bond, or letter of credit. The city may use all legal remedies to enforce this Subchapter in addition to making demand on the security provided herein.

8. Money in Lieu of Tree Mitigation.

a. A land owner/developer responsible for tree mitigation under this Section may request to meet the requirements, in whole or in part, by a cash payment in lieu of tree replacement, upon approval by the Planning Director. The payment shall be on a caliper-inch unit cost as established by the city council in Appendix A10.03.002 of the Bastrop Code of Ordinances. Cash payment shall be deposited in the tree fund and be used to purchase and install trees and landscaping within the city.

i. Payment in lieu of tree mitigation for greater than fifty percent (50%) of the required mitigation (greater than fifty percent of total dbh provided as mitigation) shall be subject to approval by the Planning and Zoning Commission.

ii. Payment in lieu of tree mitigation for less than or equal to fifty percent (50%) of mitigation requirement (less than or equal to fifty percent (50%) of total dbh provided as mitigation) may be approved by the Director of Planning, provided the Director determines that there is no reasonable alternative to providing mitigation on the development site.

c. The applicant shall pay the fees for tree removal established by city council in Appendix A10.03.002 of the Bastrop Code of Ordinances. The fee shall be based on the fair market value of materials and labor at the time of planting and the reasonable estimated cost for maintenance and irrigation for a period of two (2) years.

d. Fees contributed to the tree fund shall be paid prior to the issuance of a grading permit on all commercial, industrial, or multi-family residential developments, prior to final approval of a gas well drilling permit and prior to filing a final plat in the Bastrop county clerk’s office for all single-family residential subdivisions.

9. Alternative Tree Preservation Plan. An applicant may propose an alternative tree preservation plan which meets or exceeds the goals and objectives of this subchapter but does not meet the standards of this subchapter. The alternative tree preservation plan provides the option to address the criteria through a flexible process which must be reviewed and approved by the Planning and Zoning Commission.

a. Criteria for Approval. The goals and objectives which must be met, and by which the proposal will be judged are:

1) The proposed alternative tree preservation plan adequately achieves, or is an improvement on, the intent of the requirements of this subsection;

2) It assures quality development that fits in with the character of Bastrop; and

3) It clearly states the intended preservation objectives.

b. Tree Credits.

1) All quality trees and quality tree stands that are preserved beyond the minimum requirements identified in Table 10-1 shall be credited towards the landscape tree
requirements identified in the zoning ordinance at a ratio of one to one (1:1) caliper inches.

2) All quality tree stands with existing understory trees that are preserved beyond the minimum requirements identified in Table 10-1, shall be credited towards landscape requirements at a ratio of one to two (1:2) caliper inches.

3) Unless trees preserved are an integral part of the parking lot design, they will not be credited towards parking lot landscaping requirements.