

**To the Mayor and Members of the City Council****September 15, 2020**

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**SUBJECT: URBAN FORESTRY ORDINANCE AND ENFORCEMENT PROCEDURES**

The purpose of this Informal Report is to provide an overview of the Urban Forestry Ordinance and procedures, particularly related to enforcement. The purpose of the Urban Forestry Ordinance is to achieve 30% tree canopy coverage citywide and to promote a multi-aged urban forest. The ordinance was last updated in 2009 and amendments proposed in 2015 were not adopted by City Council.

**Role of the City Council:**

The role of the City Council is to approve/deny Urban Forestry Ordinance amendments.

**Role of the Urban Design Commission (UDC):**

The role of the Urban Design Commission (UDC) is to consider appeals to urban forestry regulations. Action by the UDC does not relieve an applicant of applicable penalties. Appeals of UDC decisions are heard at District Court. The UDC may take the following actions:

- Deny the appeal, in which case the urban forestry plan/permit shall not be accepted or granted;
- Grant the appeal and direct the City Forester to accept and approve the urban forestry plan/permit; or
- Grant the appeal subject to such provisions, conditions or limitations as deemed appropriate by the UDC.

**Role of the Development Services Director:**

The Director is responsible for matters involving the Zoning Ordinance, inclusive of the Urban Forestry Ordinance, by designating appropriate staff to perform plan review, inspection, determination of appropriate penalties, and amending the ordinance as directed by the City Council.

**Penalties:**

Anyone who violates or resists enforcement of the Urban Forestry Ordinance may be assessed a civil penalty, issued a citation for a misdemeanor, or both. The ordinance prescribes penalty amounts.

**Inspections:**

In 2018, Gas Well Inspectors were tasked with urban forestry tree protection inspections. Inspectors visit the site to verify that protective fencing has been installed in accordance with the tree protection plan submitted with their urban forestry permit application. Passing inspections are required prior to issuance of urban forestry or grading permits. Re-inspections are required if fencing is not properly installed. Inspectors may meet with contractors onsite prior to installation of fencing, particularly in densely wooded areas where some tree removal is required in order to install the fencing. Interim inspections may be scheduled for long-term projects. Post-grading inspections are conducted upon receipt of a Final Grading Certificate or applicant notification that grading has been completed. Staff intends to explore internal and external options for utilizing drone or other aerial technology for pre-development inspections and investigations of unauthorized clearing.

For any questions, please contact Arty Wheaton-Rodriguez in Development Services at 817-392-6226.

**David Cooke**  
**City Manager**

Attachment: Urban Forestry Violations since October 1, 2017

Urban Forestry Violations since October 1, 2017

Date of Complaint	Name/Address	Council District	Property Owner/Developer	Violation	Resolution	Status
1/30/2018	7850 E Ederville	5	2901 S Walton Walker LLC, Hussain Murawat	Unauthorized clearing	Stop Work Order; Submitted UF Application	UFC18-0055 issued
3/9/2018	11785 Alta Vista Road	7	Bloomfield Homes	Unauthorized clearing	Stop work order; penalty settlement agreement	UFC17-0249 issued
9/11/2018	FM 1187 & I-35, SE Corner	6	Southgate Marketplace	Unauthorized clearing	Stop Work Order; Applicant submitted UF application that met ordinance requirements, but also filed waiver request to remove remaining tree canopy. Case was continued by UDC. Applicant has not returned to UDC.	UFC19-0142 issued; project is being developed in accordance with approved plan
9/20/2018	8308 Meadowbrook	5	Meadowbrook Fill Site	Unauthorized clearing prior to permit issuance and in excess of proposed tree removal	Permit application was revised to be consistent with actual removal and to be in compliance with ordinance requirements. Project has been dormant since Stop Work Order issued. Applicant has stated he plans to install fencing and submit required revisions to grading permit this fall.	UFC18-0117. Stop Work Order remains in effect until issuance of UFC18-0117 and grading permit
12/17/2018	NEC Sandy Lane & Ederville	5	Carol Oaks North	Unauthorized clearing, site work	UF and grading permits not yet issued	UFC18-0235 and grading permit issued
2/14/2019	4851 Scott Road	7	Scott Goat Farm, LLC	Unauthorized tree removal/fill	Fence repaired and Phase 1 urban forestry permit application submitted.	UFC19-0061 issued

Urban Forestry Violations since October 1, 2017

Date of Complaint	Name/Address	Council District	Property Owner/Developer	Violation	Resolution	Status
6/14/2019	4412 Overton Crest	3	Arthur Rubin	Unauthorized tree removal	Citation issued; owner required to replant to meet UF coverage requirements.	Citation paid, UFC19-0243 issued, planting confirmed
11/10/2019	City Property at Heron & Castle Circle	7	Tony Lucyk, 9016 Heron	Tree removal from City property	PARD violation, but citation issued by UF inspector	Citation issued and paid
4/10/2020	7325 John T White	5	Christine Armstrong	Unauthorized tree removal	Tree removal application submitted.	Tree Removal Permit Issued
5/28/2020	Trailridge Drive	7	West River Development	Unauthorized tree removal; fill	UF application submitted	UFC20-0187, Application under review
6/11/2020	8650 Meadowbrook Dr	5	ECM Development	Tree clearing in excess of permit	Stop Work Order Issued; Applicant applied for waiver from UDC; payment of penalty fees required	Waiver approved; Calculation of penalties in process
8/3/2020	2208 Capri	2	Everardo Ramirez	Unauthorized tree removal	Owner required to submit UF Application	Pending receipt of application