



AGENDA

TOWN OF FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION REGULAR MEETING

October 3, 2017

**FLOWER MOUND TOWN HALL
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS**

6:30 P.M.

AN AGENDA INFORMATION PACKET IS AVAILABLE ONLINE AT
[HTTPS://TX-FLOWER MOUND.CIVICPLUS.COM/AGENDACENTER](https://tx-flowermound.civicplus.com/agendacenter)

A. CALL REGULAR MEETING TO ORDER – 6:30 PM

B. ELECTION OF CHAIR AND VICE CHAIR

C. INVOCATION AND PLEDGE OF ALLEGIANCE

D. CITIZENS/VISITORS COMMENTS

1. Please fill out an "Appearance Before Environmental Conservation Commission" form in order to address the Environmental Conservation Commission, and turn the form in prior to Citizens and Visitors Comments, or by 6:40 p.m. to the Town staff. Speakers are normally limited to three minutes. Time limits can be adjusted by the Chair as to accommodate more or fewer speakers.

E. STAFF REPORT

1. Update and status report related to environmental issues and events, regulatory activities, and projects.

F. CONSENT AGENDA - CONSENT ITEMS

This agenda consists of non-controversial or "housekeeping" items and may be approved with a single motion. A member of the Environmental Conservation Commission may request an item(s) be withdrawn from the consent agenda and moved to regular agenda for discussion by making such request prior to a motion and vote on the Consent Agenda.

Environmental Conservation Commission Meeting Agenda

October 3, 2017

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1. Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on August 1, 2017.

G. REGULAR ITEMS

2. Review the trees nominated for the Town's Tree Recognition Program and select the tree(s) for recognition for 2017.

H. ADJOURNMENT- REGULAR SESSION

I. CALL WORK SESSION TO ORDER

J. WORK SESSION ITEMS

3. Discuss the Town's Urban Forestry Program, associated regulations, and program initiatives.

K. COORDINATION OF FUTURE AGENDAS/MEETINGS

L. ADJOURNMENT – WORK SESSION



Matthew Woods
Director of Environmental Services

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: September 29, 2017, by 5:00 p.m., at least 72 hours prior to the schedule time of said meeting.



Emily Chapman
Administrative Assistant



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 1

CONSENT ITEM

DATE: October 3, 2017

FROM: Emily Chapman, Administrative Assistant

ITEM: Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on August 1, 2017.

BACKGROUND INFORMATION: This agenda item is to consider approval of the minutes from the August 1, 2017, regular meeting of the Environmental Conservation Commission.

CITIZEN FEEDBACK: N/A

ALTERNATIVES/OPTIONS: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. A copy of the draft minutes from the August 1, 2017, regular meeting of the Environmental Conservation Commission.

RECOMMENDATION: Move to approve the minutes from the August 1, 2017, regular meeting of the Environmental Conservation Commission.

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF AUGUST 1, 2017

THE FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING HELD ON THE 1ST DAY OF AUGUST 2017, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:30 P.M.

The Environmental Conservation Commission met in regular session, with the following members present constituting a quorum:

Craig Bromley
Russ McNamer
Marilyn Lawson
Alton Bowman
Thomas Bailey
James Gerber
Elaine Takacs
Karen Kroesen
James Seastrom

Chair
Vice Chair
Commission Member, Place 4
Commission Member, Place 5
Commission Member, Place 6
Commission Member, Place 7
Commission Member, Place 8
Commission Member, Place 9
Commission Member, Place 10

Constituting a quorum with the following members absent:

Michael Lamminen Commission Member, Place 2

Places 8, 9, and 10 of the Commission do not vote on items unless they sit in place of one of the regular members, Places 1-7.)

And the following members of Town staff present:

James Hoefert Environmental Review Analyst
Misty Adams Environmental Programs Coordinator
Matthew Green Environmental Review Analyst

A. CALL TO ORDER - REGULAR SESSION: 6:30 P.M.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. CITIZENS/VISITORS COMMENTS

D. STAFF REPORT

1. Update and status report related to environmental issues and events, regulatory activities, and projects.

E. CONSENT AGENDA

1. Consider approval of minutes from the regular meeting of the Environmental Conservation Commission held on May 2, 2017.

Commission Deliberation

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF AUGUST 1, 2017

Vice Chair McNamer made a motion to approve the May 2, 2017, minutes as presented. Commission Member Kroesen seconded the motion.

VOTE ON THE MOTION

AYES: Gerber, Bowman, Lawson, McNamer, Kroesen, Bailey
NAYS: None
ABSTAIN: None

The motion passed with a vote of 6-0-0

F. REGULAR ITEMS

2. Consider an application for a tree removal permit for three (3) specimen trees on property proposed for development as Hefner Garden Ridge. The property is generally located south of Spinks Road and east of Garden Ridge Road.

Staff Presenter

James Hoefert, Environmental Review Analyst, gave a presentation with the following items included:

- Site Location
- Project Information Overview
- Lot Layout
- Tree Survey
- Photo of Tree Proposed for Removal

Curtis Hefner, HPFT Garden Ridge, LLC (8333 Douglas Ave., Suite 1350, Dallas, TX 75225), answered questions regarding the application.

Commission Deliberation

Vice Chair McNamer made a motion to approve the application for a tree removal permit for three (3) specimen trees on property proposed for development as Hefner Garden Ridge. The property is generally located south of Spinks Road and east of Garden Ridge Road. Commission Member Gerber seconded the motion.

VOTE ON THE MOTION

AYES: Gerber, Bowman, Lawson, McNamer, Kroesen, Bailey
NAYS: None
ABSTAIN: None

The motion passed with a vote of 6-0-0

G. ADJOURNMENT – REGULAR SESSION 6:47 P.M.

H. CALL WORK SESSION TO ORDER 6:47 P.M.

I. WORK SESSION ITEMS

FLOWER MOUND ENVIRONMENTAL CONSERVATION COMMISSION MEETING OF AUGUST 1, 2017

- 3. Discuss the Public Tree Planting Program Initiative
- J. COORDINATION OF FUTURE AGENDAS/MEETINGS
- K. ADJOURNMENT – WORK SESSION 7:30 P.M.

TOWN OF FLOWER MOUND, TEXAS



MATTHEW WOODS
DIRECTOR OF ENVIRONMENTAL
SERVICES

ATTEST:



EMILY CHAPMAN
ADMINISTRATIVE ASSISTANT



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 2

REGULAR ITEM

DATE: October 3, 2017

FROM: James Hoefert, Environmental Review Analyst

ITEM: Review the trees nominated for the Town's Tree Recognition Program and select the tree(s) for recognition for 2017.

BACKGROUND INFORMATION: The Environmental Conservation Commission (ECC) established the selection criteria, review committee, and nomination review process for the Tree Recognition Program in 2013, and that process has continued for the 2014 through 2017 program years.

The committee and staff will provide the ECC with the recommended tree selections, photographs, and descriptions for the nominated trees. Upon receiving the recommendations, the ECC will have the opportunity to discuss the nominated trees and select the winning tree or trees. Property owners and/or nominees of winning trees will be notified and presented with their certificates and signs at the November 7, 2017, ECC meeting.

Eligible trees for 2017 include:

- Blackjack oak (*Quercus marilandica*) – (side yard of 7360 Fair Lake Rd.)
- American elm (*Ulmus americana*) – (back yard of 5313 Townsend Dr.)

CITIZEN FEEDBACK: N/A

ALTERNATIVES/OPTIONS: N/A

ATTACHMENTS: N/A

RECOMMENDATION: The ECC may review and select the nominated trees for the 2017 Tree Recognition Program.



ENVIRONMENTAL CONSERVATION COMMISSION AGENDA ITEM NO. 3

WORK SESSION ITEM

DATE: October 3, 2017

FROM: James Hoefert, Environmental Review Analyst

ITEM: **Discuss the Town's Urban Forestry Program, associated regulations, and program initiatives.**

BACKGROUND INFORMATION: This item will provide an overview of the Town's Urban Forestry Program. Items to be presented and discussed include an overview of the program objectives, the Town's tree preservation ordinance, proposed tree planting and giveaway initiatives, and applicable regulations from the recent State legislative session.

Current and potential programs include the tree farm and associated planting options, Town-wide tree canopy analysis, tree preservation regulations, the acorns to oaks program, tree recognition program, Arbor Day initiatives, new initiatives for re-forestation and/or enhanced tree planting efforts, and other educational programs. Staff will also provide an overview of the Town's tree ordinance and potential changes due to the recently approved House Bill 7 relating to municipal tree regulations.

In addition to the items discussed above, this work session will provide Commission members with the opportunity to discuss other Urban Forestry Program initiatives.

ALTERNATIVES/OPTIONS: N/A

ATTACHMENTS:

1. Texas House Bill 7

RECOMMENDATION: This item is for information and discussion purposes only; therefore, no action is required.

AN ACT

relating to municipal regulation of the removal of trees on private property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 212, Local Government Code, is amended by adding Section 212.905 to read as follows:

Sec. 212.905. REGULATION OF TREE REMOVAL. (a) In this section:

(1) "Residential structure" means:

(A) a manufactured home as that term is defined by Section 1201.003, Occupations Code;

(B) a detached one-family or two-family dwelling, including the accessory structures of the dwelling;

(C) a multiple single-family dwelling that is not more than three stories in height with a separate means of entry for each dwelling, including the accessory structures of the dwelling;
or

(D) any other multifamily structure.

(2) "Tree mitigation fee" means a fee or charge imposed by a municipality in connection with the removal of a tree from private property.

(b) A municipality may not require a person to pay a tree mitigation fee for the removed tree if the tree:

(1) is located on a property that is an existing one-family or two-family dwelling that is the person's residence;
and

(2) is less than 10 inches in diameter at the point on the trunk 4.5 feet above the ground.

(c) 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 under this section to offset the amount of the fee.

(d) An application for a credit under Subsection (c) must be in the form and manner prescribed by the municipality. To qualify for a credit under this section, a tree must be:

(1) planted on property:

(A) for which the tree mitigation fee was assessed; or

(B) mutually agreed upon by the municipality and the person; and

(2) at least two inches in diameter at the point on the trunk 4.5 feet above ground.

(e) For purposes of Subsection (d) (1) (B), the municipality and the person may consult with an academic organization, state agency, or nonprofit organization to identify an area for which tree planting will best address the science-based benefits of trees and other reforestation needs of the municipality.

(f) The amount of a credit provided to a person under this section must be applied in the same manner as the tree mitigation fee assessed against the person and:

(1) equal to the amount of the tree mitigation fee assessed against the person if the property is an existing one-family or two-family dwelling that is the person's residence;

(2) at least 50 percent of the amount of the tree mitigation fee assessed against the person if:

(A) the property is a residential structure or pertains to the development, construction, or renovation of a residential structure; and

(B) the person is developing, constructing, or renovating the property not for use as the person's residence; or

(3) at least 40 percent of the amount of the tree mitigation fee assessed against the person if:

(A) the property is not a residential structure; or

(B) the person is constructing or intends to construct a structure on the property that is not a residential structure.

(g) As long as the municipality meets the requirement to provide a person a credit under Subsection (c), this section does not affect the ability of or require a municipality to determine:

(1) the type of trees that must be planted to receive a credit under this section, except as provided by Subsection (d);

(2) the requirements for tree removal and corresponding tree mitigation fees, if applicable;

(3) the requirements for tree-planting methods and best management practices to ensure that the tree grows to the anticipated height at maturity; or

(4) the amount of a tree mitigation fee.

(h) A municipality may not prohibit the removal of or impose a tree mitigation fee for the removal of a tree that:

(1) is diseased or dead; or

(2) poses an imminent or immediate threat to persons or property.

(i) This section does not apply to property within five miles of a federal military base in active use as of December 1, 2017.

SECTION 2. The changes in law made by this Act apply only to a tree mitigation fee assessed by a municipality on or after the effective date of this Act.

SECTION 3. This Act takes effect December 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 7 was passed by the House on July 28, 2017, by the following vote: Yeas 130, Nays 9, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 7 on August 15, 2017, by the following vote: Yeas 119, Nays 23, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 7 was passed by the Senate, with amendments, on August 15, 2017, by the following vote: Yeas 17, Nays 14.

Secretary of the Senate

APPROVED: _____
Date

Governor