



STAFF REPORT

MEETING DATE: February 24, 2025

TITLE:

Hold public hearing, consider, and act to amend Appendix A, Fee Schedule for tree mitigation fees and establish penalty for violation, and move to include on the March 4, 2025 Special City Council Agenda for the first reading.

AGENDA ITEM SUBMITTED BY:

Submitted by: James E. Cowey, Director of Development Services

BACKGROUND/HISTORY:

On February 17, 2025 meeting the Planning and Zoning Commission heard the proposed amendment and recommended to bring back to staff to change the mitigation fee from the proposed \$150 per 1 caliper inch to \$400 per 1 caliper inch and amend to change the penalty to read \$1,000 per tree, per day.

On February 19, 2025 city staff had a discussion with the City Attorney and his staff as it relates to the request from the Planning and Zoning Commission. Based on the discussion staff is proposing to:

1. Create a tree mitigation FEE of \$400 per 1 caliper inch for individuals following the requirements and process.
2. Any individual who commences work and does not comply with the requirements the fee per caliper inch will be doubled and replacement trees will not be allowed as part of the mitigation.
3. Using the attached language under PENALTY making a violation a misdemeanor for each offense. Penalty is established by the local government code, \$500 minimum, \$2,000 maximum per tree.
4. Removal of each protected tree shall be considered a separate incident.

Example Fees:

Developer A files a tree survey and receives permission to remove 10 trees of 12 inches each in diameter. Total 120 inches in diameter.

Mitigation fee is \$400 per 1 caliper inch x 120 inches = \$48,000 paid.

Developer B removes 10 trees of 12 inches each in diameter WITHOUT permission. 120 caliper inches has been removed.

Fee (Listed as #1 above) of \$400 per 1 caliper inch is now \$800 per 1 caliper inch. \$800 x 120 = \$96,000

Example Penalty:

Penalty (Listed as #3 above)

Trees Penalty (Minimum \$500 X 10 = \$5,000) (Maximum \$2,000 x 10 = \$20,000)

It is important to note that penalties are applied by the municipal court judge who has judicial discretion to lower the penalty assigned by City Staff to the minimum allowed by law. Thus under this scenario, the Penalty portion may range from \$5,000 to \$20,000 making the possible overall cost to Developer B range from \$101,000 to \$116,000.

FISCAL IMPACT:

None

RECOMMENDATION:

Approved the modifications as written.

ATTACHMENTS:

1. B3 Code Proposed Amendment in redline