



STAFF REPORT

MEETING DATE: March 4, 2025

TITLE:

Conduct a public hearing, consider, and act on the first reading of Ordinance No. 2025-28, amending the Master Fee Schedule for tree mitigation fees and amending the Code of Ordinances Chapter 1 "General Provisions", adding Section 1.13.005 "Tree Mitigation Penalty"; amending the Bastrop Building Block (B3) Code, Section 6.3.004 "Protected & Heritage Trees, adding subsection (j) Administrative Decision; establishing fees and the penalty for violation, and move to include on the March 11, 2025 Consent Agenda for the second reading.

AGENDA ITEM SUBMITTED BY:

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

BACKGROUND/HISTORY:

Trees are an integral part of the Bastrop culture. Bastrop is also a Tree City. Staff introduced amendments that would increase tree protections within the City of Bastrop.

Planning Commission heard the proposed tree mitigation at several meetings. In accordance with the Local Government Code 212.905, the Planning and Zoning Commission proposed the following at the February 24, 2025 meeting:

Mitigation Fee

1. Create a tree mitigation FEE of \$400 per one (1) caliper inch for individuals following the requirements and process; up from \$150 per caliper inch, and higher than the Park Board Recommendation of \$250 per caliper inch
2. Double the caliper inch mitigation fee for those who commence work without a permit.
3. Create an administrative process for relief for homeowners who are attempting to comply with the ordinance.

Penalty

4. Establish a penalty for any individual who commences work and does not comply with mitigation requirements. The penalty is a misdemeanor for each offense. Penalty is established by the local government code, \$500 minimum, \$2,000 maximum per tree. The municipal court judge has judicial discretion on the amount of fine actually assessed.
5. Removal of each protected tree shall be considered a separate incident subject to the above penalty.

Mitigation fees will not be assessed according to 212.905(2)(b) if:

(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.

Additionally, as proposed, the Planning and Zoning Commission requested administrative relief for residents.

Chapter 6 of the B3 Code is also proposed to be amended by:

Administrative Decision:

The City Manager, upon written report by a certified arborist (City or Other) who states the tree is diseased or dead, poses an imminent or immediate threat to persons or property, or determined unsavable shall have the ability to waive the mitigation fee.

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 have 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:

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:

TABLE TO MARCH 11, 2025 TO ALLOW ADDITIONAL TIME TO REVIEW THE PENALTY PROVISIONS.

ATTACHMENTS: