

Bastrop Planning and Zoning Commission Agenda

Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800



January 30, 2025

Agenda - Planning and Zoning Commission at 6:00 PM

Bastrop Planning and Zoning Commission meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 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.

1. **CALL TO ORDER**

2. **CITIZEN COMMENTS**

At this time, three (3) minute comments will be taken from the audience on any topic. Anyone in attendance wishing to address the Board/Commission must complete a citizen comment form and give the completed form to the Board/Commission Secretary prior to the start of the Board/Commission meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, the Board/Commission cannot discuss issues raised or make any decision at this time. Instead, the Board/Commission is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Manager 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 Board/Commission to allow a member of the public to slur the performance, honesty and/or integrity of the Board/Commission, as a body, or any member or members of the Board/Commission individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Board/Commission and/or any person in the Board/Commission's presence will not be tolerated.

3. **ITEMS FOR INDIVIDUAL CONSIDERATION**

3A. **Consider and act to approve meeting minutes from the December 19, 2024 Planning and Zoning Commission Meeting.**

Submitted by Alondra Macias, Development Services Planner I

- 3B. Consider and act on the Pecan Park Commercial Lot 2 final plat of a portion of a 38.544-acre tract of land from the Nancy Blakey Survey, Abstract No. 98, within the City Limits of Bastrop, Texas being 0.895 acres located south of State Highway 71 and east of Orchard Street, within the City Limits of Bastrop, Texas.**

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

- 3C. 1) Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to decrease the caliper per tree that will be protected from future development.**

This amendment seeks to increase protection of trees by reducing the caliper inch when mitigation begins from 13 caliper inches to smaller.

- 2) Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to add the requirement of a tree survey, add penalties, and further explanation of the requirements for tree protection.**

This amendment seeks to improve tree protection by adding requirements for a tree survey and also adding penalties when not followed.

- 3) Hold public hearing, consider, and act to amend TABLE 2.1.003 PREFERRED PLANT LIST in the Technical Manual to add the Pecan Tree amongst others and remove some current trees.**

This amendment seeks to add additional species to the existing plant list and remove some trees based on recommendations from the native plant society and independent arborists.

- 4) Hold public hearing, consider, and act to amend Chapter 10, Definitions to include definitions of ISA-Certified Arborist, Native Plants and others.**

This amendment seeks to add clarity.

- 5) Hold public hearing, consider, and act to amend Appendix A, Fee Schedule for tree mitigation fees and establish penalty for violation.**

This amendment seeks to clarify the cost of mitigation, and introduce a penalty for violation.

4. **UPDATES**

- 4A. Updates From Previous Meeting
- 4B. Updates Regarding Upcoming Code Amendments
- 4C. Future Development Related Items
- 4D. Individual Requests from Planning & Zoning Commissioners that particular items to be listed on future agendas (no group discussion allowed).
- 4E. Development Services Department Monthly Project Volume Report.

5. **ADJOURNMENT**

Notice is hereby given of the possibility of a quorum of any of the City of Bastrop Boards and Commissions and City Council at this Planning and Zoning Commission meeting.

NO Board/Commission/Council action will be taken; NO deliberations will be held; and NO Board/Commission/Council business will be conducted, with the exception of P&Z.

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.cityofbastrop.org and said Notice was posted on the following date and time: Friday, January 24, 2025 at 4:30 p.m. and remained posted for at least two hours after said meeting was convened.

/s/ Kennedy Higgins
Kennedy Higgins, Senior Planner



Planning and Zoning STAFF REPORT

MEETING DATE: January 30, 2024

TITLE:

Consider action to approve meeting minutes from the December 19, 2024, Planning and Zoning Commission Meeting.

AGENDA ITEM SUBMITTED BY:

Alondra Macias, Development Services Planner I

ATTACHMENTS:

- Meeting Minutes from December 19, 2024

PLANNING & ZONING MEETING
MINUTES

December 19, 2024, at 6:00 P.M.

The City of Bastrop Planning and Zoning Commission met Thursday, December 19, 2024, at 6:04 PM in the City of Bastrop Council Chambers located at 1311 Chestnut Street, Bastrop, Texas 78602.

1. CALL TO ORDER

Chairman Ishmael Harris called the meeting to order at 6:04 PM.

Ishmael Harris	Present
Christopher Toth	Present
David Barrow	Present
Gary Moss	Present
Jordan Scott	Present
Patrice Parsons	Present
Keith Ahlborn	Present
Joshua Bingaman	Absent
Jeffrey Estes	Present

2. CITIZEN COMMENTS

There were no citizen comments.

3. ITEMS FOR INDIVIDUAL CONSIDERATION

- 3A. Consider action to approve meeting minutes from the November 21, 2024 Planning and Zoning Commission Meeting.

Presented by Alondra Macias, Development Services Planner I

Commissioner Gary Moss made a motion to approve the meeting minutes from the November 21, 2024 Planning and Zoning Commission Meeting. Vice-chairman David Barrow seconded the motion. Commissioner Patrice Parsons abstained from voting on the item as she was not present in the meeting. The motion passed 7-0.

- 3B. Consider action on a commercial replat of the Reserve Tract of the Lone Star Storage Subdivision to be called Sendero, being 49.78 acres located at the northeast corner of State Highway 71 and Farm-to-Market Road 969 within the city limits of Bastrop, Texas.

Presented by Sylvia Carrillo, City Manager

Commissioner Patrice Parsons made a motion to approve the commercial replat of the Reserve Tract of the Lone Star Storage Subdivision to be called Sendero, being 49.78 acres located at the northeast corner of State Highway 71 and Farm-to-Market Road 969 within the city limits of Bastrop, Texas. Commissioner Jeffrey Estes seconded the motion. The motion passed unanimously.

PLANNING & ZONING MEETING
MINUTES

December 19, 2024, at 6:00 P.M.

- 3C Hold a public hearing, consider, and act on amending section 6.3.007 CROSS ACCESS CONNECTIONS (a) to allow no cross access where a hardship or inappropriate traffic flow would exist.

Presented by Sylvia Carrillo, City Manager

Public Hearing was opened at 6:27 pm.

Public Hearing was closed at 6:29 pm.

Commissioner Jeffrey Estes made a motion to approve the amendment to section 6.3.007 CROSS ACCESS CONNECTIONS (a) to allow no cross access where a hardship or inappropriate traffic flow would exist. Commissioner Gary Moss seconded the motion. The motion passed unanimously.

- 3D. Hold a public hearing, consider, and act on section 6.5.003 BUILDING STANDARDS PER PLACE TYPE A – LOT OCCUPATION (table) by adding additional dwelling unit (ADU) category; and to modify the number of ADUs allowed by right shall be one, and two ADUs shall be allowed subject to meeting Section 6.3.006 Parking (as amended) and Section 6.5.003 (A) – Lot Occupation Standards, unless authorized by the Development Review Committee and/or the Planning Commission.

Presented by Sylvia Carrillo, City Manager

Public Hearing was opened at 6:31 pm.

Pablo Serna, resident at 1104 Hill St, stated his concern about ADU's and looking at drainage in a greater scale.

Discussion began amongst the commissioners and the impact that the code currently has on the neighborhoods and how the additional dwelling units affect the density in the city.

Public Hearing was closed at 6:52 pm.

Commissioner Patrice Parsons made a motion to approve the amendment to section 6.5.003 BUILDING STANDARDS PER PLACE TYPE A – LOT OCCUPATION (table) by adding additional dwelling unit (ADU) category; and to modify the number of ADUs allowed by right shall be one, and two ADUs shall be allowed subject to meeting Section 6.3.006 Parking (as amended) and Section 6.5.003 (A) – Lot Occupation Standards, unless authorized by the Development Review Committee and/or the Planning Commission. Commissioner Gary Moss seconded the motion. The motion passed unanimously.

- 3E. Hold public hearing, consider, and act to amend section 6.5.003 BUILDING STANDARDS PER PLACE TYPE A- LOT OCCUPATION (table) to reduce lot occupation standards also known as impervious cover ratios to reduce flooding risk.

PLANNING & ZONING MEETING
MINUTES

December 19, 2024, at 6:00 P.M.

Presented by Sylvia Carrillo, City Manager

Public Hearing was opened at 6:54 pm

Pablo Serna, resident at 1104 Hill St, stated his concern about drainage and the changes that need to be done are through a regional drainage per acreage.

Discussion amongst commissioners began as it pertained to the possibility of adding a credit option for developers.

Public Hearing was closed at 7:10 pm

Commissioner Jordan Scott made a motion to amend section 6.5.003 BUILDING STANDARDS PER PLACE TYPE A- LOT OCCUPATION (table) to reduce lot occupation standards also known as impervious cover ratios to reduce flooding risk. Commissioner Gary Moss seconded the motion. The motion passed unanimously.

Commissioner Jordan Scott made a motion to direct staff to do some due diligence and research on adding credit towards lot coverage towards water conservation as a whole. Discussion began amongst commissioners to make sure that the understanding is clear that there are many water conservation techniques. Commissioner Jeffrey Estes seconded the motion. The motion passed unanimously.

- 3F. 1. Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to decrease the caliper per tree that will be protected from future development.

Vice-Chairman David Barrow made a motion to table the item to date certain. Commissioner Christopher Toth seconded the motion. The motion passed unanimously. Item was tabled to date certain. Item was tabled to the January 30, 2025, Regular Planning and Zoning Meeting.

2. Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to add the requirement of a tree survey, add penalties, and further explanation of the requirements for tree protection.

Vice-Chairman David Barrow made a motion to table the item to date certain. Commissioner Christopher Toth seconded the motion. The motion passed unanimously. Item was tabled to date certain. Item was tabled to the January 30, 2025, Regular Planning and Zoning Meeting.

3. Hold public hearing, consider, and act to amend TABLE 2.1.003 PREFERRED PLANT LIST to add the Pecan Tree amongst others and remove some current trees.

Vice-Chairman David Barrow made a motion to table the item to date certain. Commissioner Christopher Toth seconded the motion. The motion passed unanimously.

**PLANNING & ZONING MEETING
MINUTES**

December 19, 2024, at 6:00 P.M.

Item was tabled to date certain. Item was tabled to the January 30, 2025 Regular Planning and Zoning Meeting.

4. Hold public hearing, consider, and act to amend Chapter 10, Definitions to include definitions of ISA-Certified Arborist, Native Plants and others.

Vice-Chairman David Barrow made a motion to table the item to date certain. Commissioner Christopher Toth seconded the motion. The motion passed unanimously. Item was tabled to date certain. Item was tabled to the January 30, 2025, Regular Planning and Zoning Meeting.

5. Hold public hearing, consider, and act to amend Appendix A, Fee Schedule for tree mitigation fees, and establish penalty for violation.

Vice-Chairman David Barrow made a motion to table the item to date certain. Commissioner Christopher Toth seconded the motion. The motion passed unanimously. Item was tabled to date certain. Item was tabled to the January 30, 2025, Regular Planning and Zoning Meeting.

4. UPDATES

4A. Update on the DRAFT Community Enrichment Fund for the Public Open Space Ordinance.

1. Discuss the intent of the ordinance as it relates to the creation of parks and open spaces, assessing a fee-in-lieu of dedication, and the creation of a park development fund.

2. Request input and direction from the Commission on the content of the ordinance.

Presented by Vivianna Nicole Andres, Assistant to the City Manager

Discussion amongst commissioners began regarding the fees that are going to be added to the development and the effect it may have on the residents.

City Attorney Rezzin Pullum, staff and commissioners discussed the fees and the possibility of a hybrid option for developers to do both fee in lieu of and dedication.

4B. Future Development Related Items

Assistant City Manager Andres provided some information regarding some of the City projects such as the extension of Blakey Lane and Agnes Street.

4C. Individual Requests from Planning & Zoning Commissioners that particular items to be listed on future agendas (no group discussion allowed).

Commissioner Keith Ahlborn would like an update on the bridge.

PLANNING & ZONING MEETING
MINUTES

December 19, 2024, at 6:00 P.M.

Chairman Ishmael Harris would like the discussion of signs in the main street area.

Commissioner Keith Ahlborn would like to bring the discussion of splash pads to be added to other parks other than Fisherman's Park.

4D. Development Services Department Monthly Project Volume Report.

James Cowey, Director of Development Services and Building Official presented the report to the commissioners and went into detail on some projects that the city is working with developers on.

5. **ADJOURNMENT**

Commissioner Gary Moss made a motion to adjourn the meeting at 7:49 PM. Commissioner Patrice Parsons seconded the motion. The motion passed unanimously.

Ishamel Harris, Chair

David Barrow, Vice Chair



STAFF REPORT

MEETING DATE: January 30, 2025

TITLE:

Consider and act on the Pecan Park Commercial Lot 2 final plat of a portion of a 38.544-acre tract of land from the Nancy Blakey Survey, Abstract No. 98, within the City Limits of Bastrop, Texas being 0.895 acres located south of State Highway 71 and east of Orchard Street, within the City Limits of Bastrop, Texas.

STAFF REPRESENTATIVE:

Kennedy Higgins, Senior Planner, Development Services Department

ITEM DETAILS:

Site Address: South of SH 71 and east of Orchard Street
 Total Acreage: 0.895 acres
 Legal Description: Portion of a 38.544-acre tract of land from the Nancy Blakey Survey, Abstract No. 98
 Property Owner: Haythem Dawlett/LOF Pecan Park Commercial
 Agent Contact: Matt Synatschk/Carlson Brigrance and Doering, Inc.
 Existing Use: Undeveloped
 Existing Zoning: PD-Commercial
 Future Land Use: General Commercial

BACKGROUND:

The Lot was zoned as PD-Commercial through the Planned Development agreement for Pecan Park. This lot fronts SH 71 and has a shared access easement on the east and west that connect to this lot. Since this lot fronts a public road (SH 71), has a shared access easement from neighboring lots, and has utility access, this plat is not dependent on a public improvement plan.

Infrastructure	Available (Y/N)	Proposed
Water	Y	12 inch
Wastewater	Y	8 inch
Drainage	Y	
Transportation	Y	Fronting SH 71
Parks and Open Space	N	

Utilities

The Pecan Park Commercial development is located within the City of Bastrop Water service area. These water lines provide adequate pressures and fire flow to meet the projected development demands. These lines will be designed according to the City's construction standards, as well as the Texas Commission on Environmental Quality's (TCEQ) requirements.



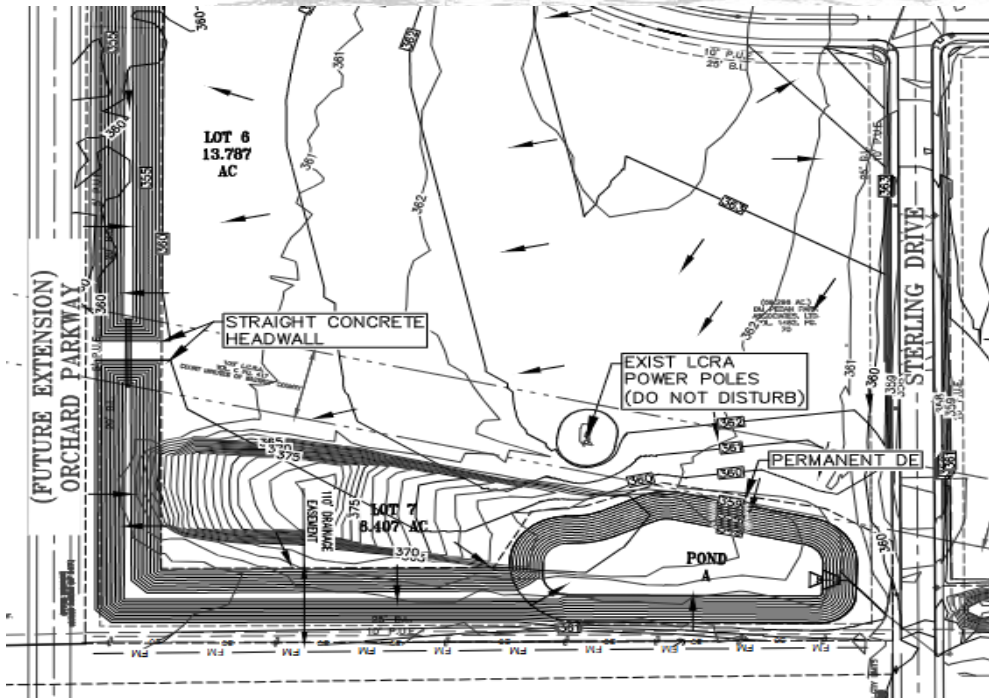
Water service will be provided by the City of Bastrop with existing water lines north of the property and the south side of State Highway 71.

Wastewater collection and treatment will also be provided by the City of Bastrop with existing wastewater lines north of the property and the south side of State Highway 71.

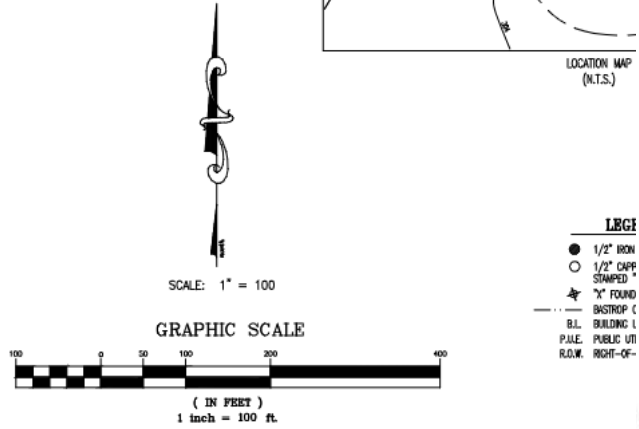
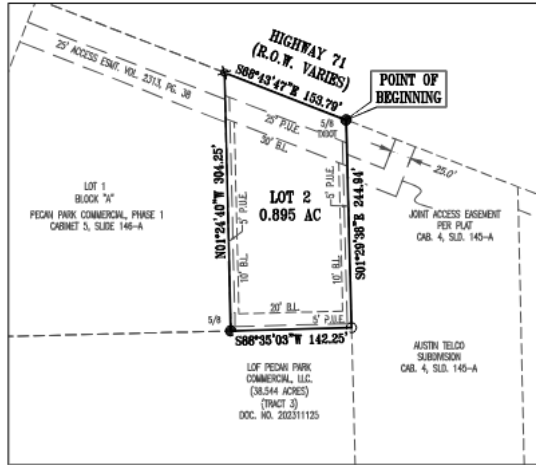
Electric service provided by Bluebonnet Electric.

Drainage

The natural drainage basins for this area will drain into an offsite detention pond located in lot 7 referenced in the Final Drainage Plan as Pond A as shown below. The drainage plan is using the updated rainfall totals of Atlas 14. The site shows conveyance, and detention would occur on the east side of the property, where the current drainage flows. The maximum impervious cover allowed in PD-Commercial Planned Development is 70%.



THE FINAL PLAT OF PECAN PARK COMMERCIAL, LOT 2

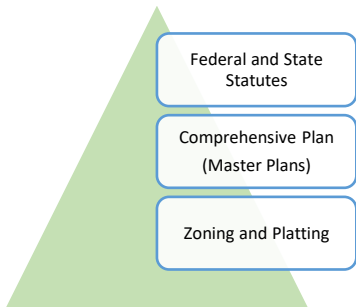


Traffic Impact and Streets

This plat will have the main access from the neighboring lot on the east. There are internal access easements from the two neighboring lots giving the lot access to Orchard Street as well. No new streets are proposed with this plat.

POLICY EXPLANATION:

Plats are reviewed and approved by the Planning & Zoning Commission.



Compliance with the Texas Local Government Code

Sec. 212.002. Rules.

After a public hearing on the matter, the governing body of a municipality may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.

Bastrop adopted subdivision regulations in 1981. The B³ Code, Chapter 1: Subdivision outlines the process and requirements for plats within the Bastrop city limits and Extra Territorial Jurisdiction (ETJ).

Sec. 212.010. Standards for Approval

- (a) The municipal authority responsible for approving plats shall approve a plat if:
- (1) it conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities;

The plat conforms with the general plan of future streets, as it is already fronting an existing road and there is no plan for future streets in that area.

- (2) it conforms to the general plan for the extension of the municipality and its roads, streets, and public highways within the municipality and in its extraterritorial jurisdiction, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;

There is no extension of utilities to this site because there are already existing utilities to the site.

- (3) a bond required under Section 212.0106, if applicable, is filed with the municipality; and

A fiscal guarantee will not be needed for the construction and maintenance of the street improvements before any final plats can be recorded.

- (4) it conforms to any rules adopted under Section 212.002.

Compliance with 2036 Comprehensive Plan:

Future Land Use Plan – General Commercial: The General Commercial character area supports local and regional businesses that rely on heavy traffic volumes and the visibility that is associated with being located near major roadways. General Commercial developments typically involve varying development intensities, from smaller locally owned shops to big box retailers. These areas are predominantly auto oriented, with large accessory parking areas. While General Commercial development will continue to be auto-oriented, improved street-side and parking lot landscaping, buffers, appropriately designed and scaled signage, bicycle and pedestrian accommodations, higher quality building materials, and access management techniques (e.g., limited access points and inter-parcel connectivity) will help to improve overall development quality and appearance.

This plat complies with the Future Land Use Plan General Commercial along State Highway 71.

- Objective 2.1.1: Implement a community growth program that maximized the use of existing City infrastructure.

This development will connect to an existing water and wastewater line along State Highway 71 that is currently serving existing neighboring development.

- Objective 2.4.1: Invest in wastewater system expansion in areas that promote infill and contiguous development.

The existing capacity and lines of the wastewater system adjacent to the property will be utilized.

Compliance with the B3 code:

Bastrop adopted subdivision regulations in 1981. The B³ Code, Chapter 1: Subdivision outlines the process and requirements for plats within the Bastrop city limits and Extra Territorial Jurisdiction (ETJ).

The plat complies with the requirements of the adopted B³ Code.

RECOMMENDATION:

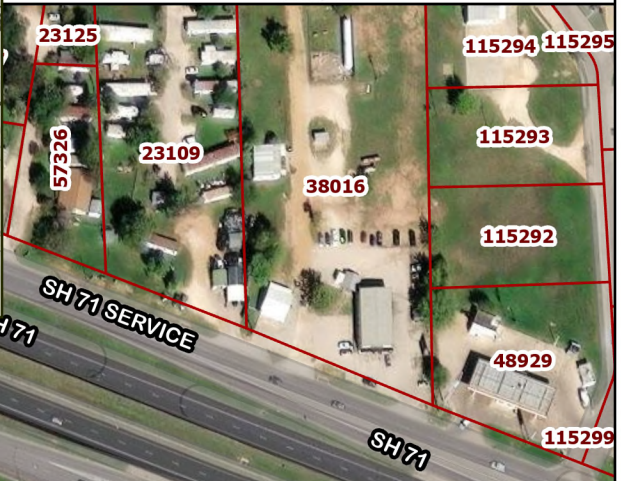
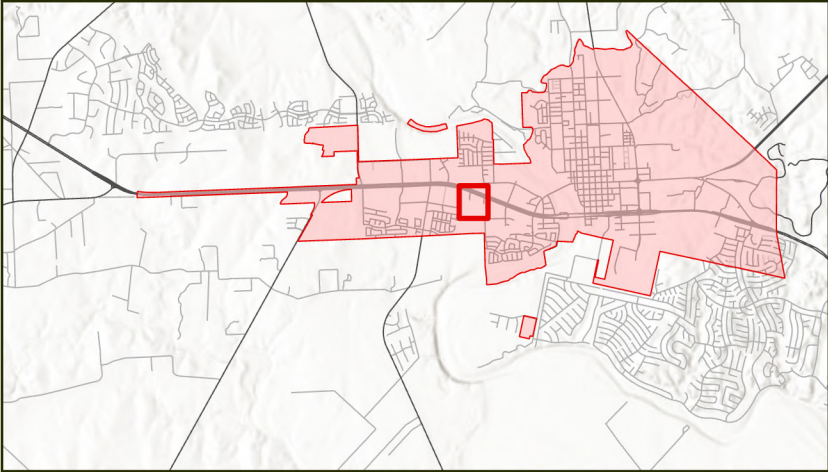
Consider and act on the Pecan Park Commercial Lot 2 final plat of a portion of a 38.544-acre tract of land from the Nancy Blakey Survey, Abstract No. 98, within the City Limits of Bastrop, Texas being 0.895 acres located south of State Highway 71 and east of Orchard Street, within the City Limits of Bastrop, Texas.

ATTACHMENTS:

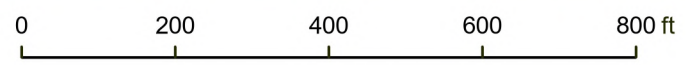
- Attachment 1: Pecan Park Location Map
- Attachment 2: Pecan Park Final Plat



Attachment Location Map Pecan Park Commercial Lot 2



1/7/2025



Scale 1:3,000

The City of Bastrop, Texas makes no warranties regarding the accuracy or completeness of the information used to compose this map or the data from which it was produced. The map does not purport to depict the boundaries between private and public lands. This map is general in nature and is not suitable for navigational purposes.

THE FINAL PLAT OF
PECAN PARK COMMERCIAL, LOT 2

FLOODPLAIN INFORMATION:
NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOODPLAIN PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP 48021C0355F DATED MAY 9, 2023.

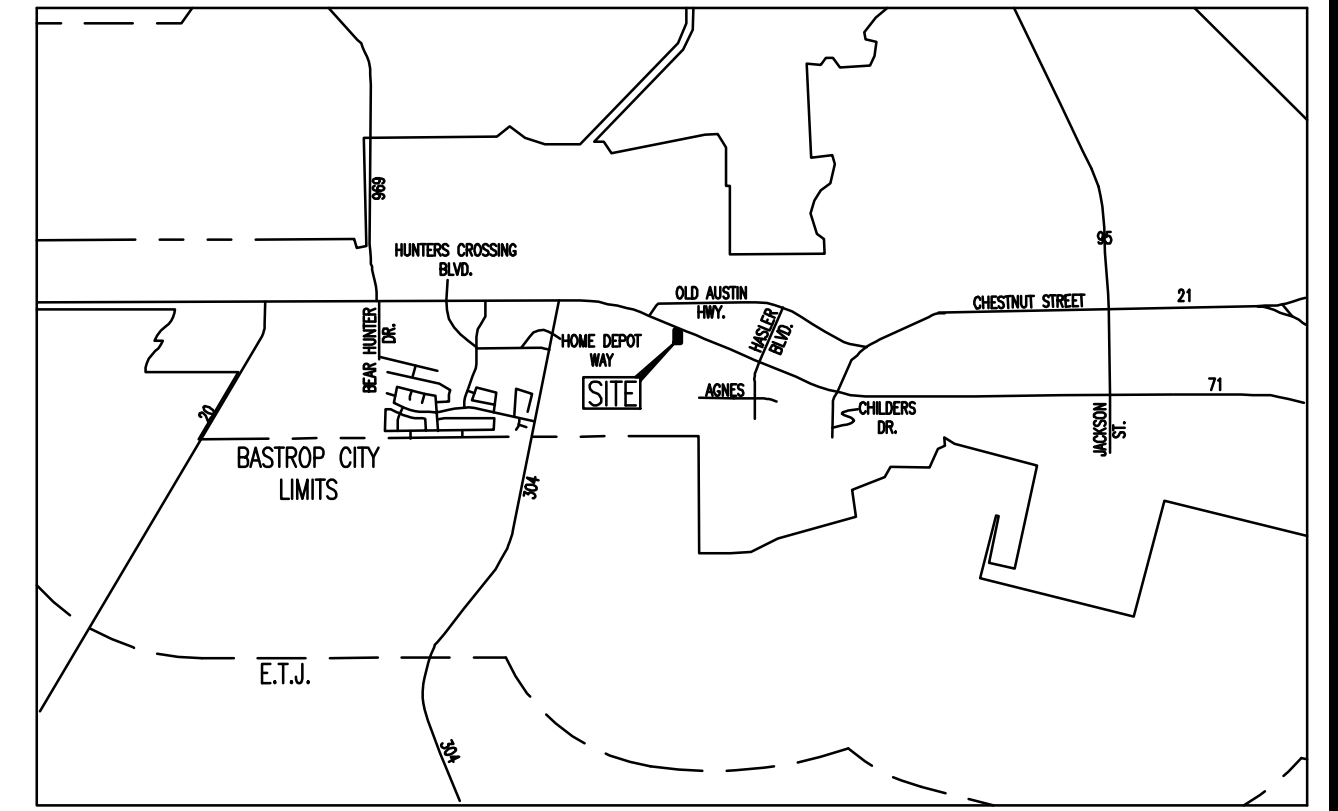
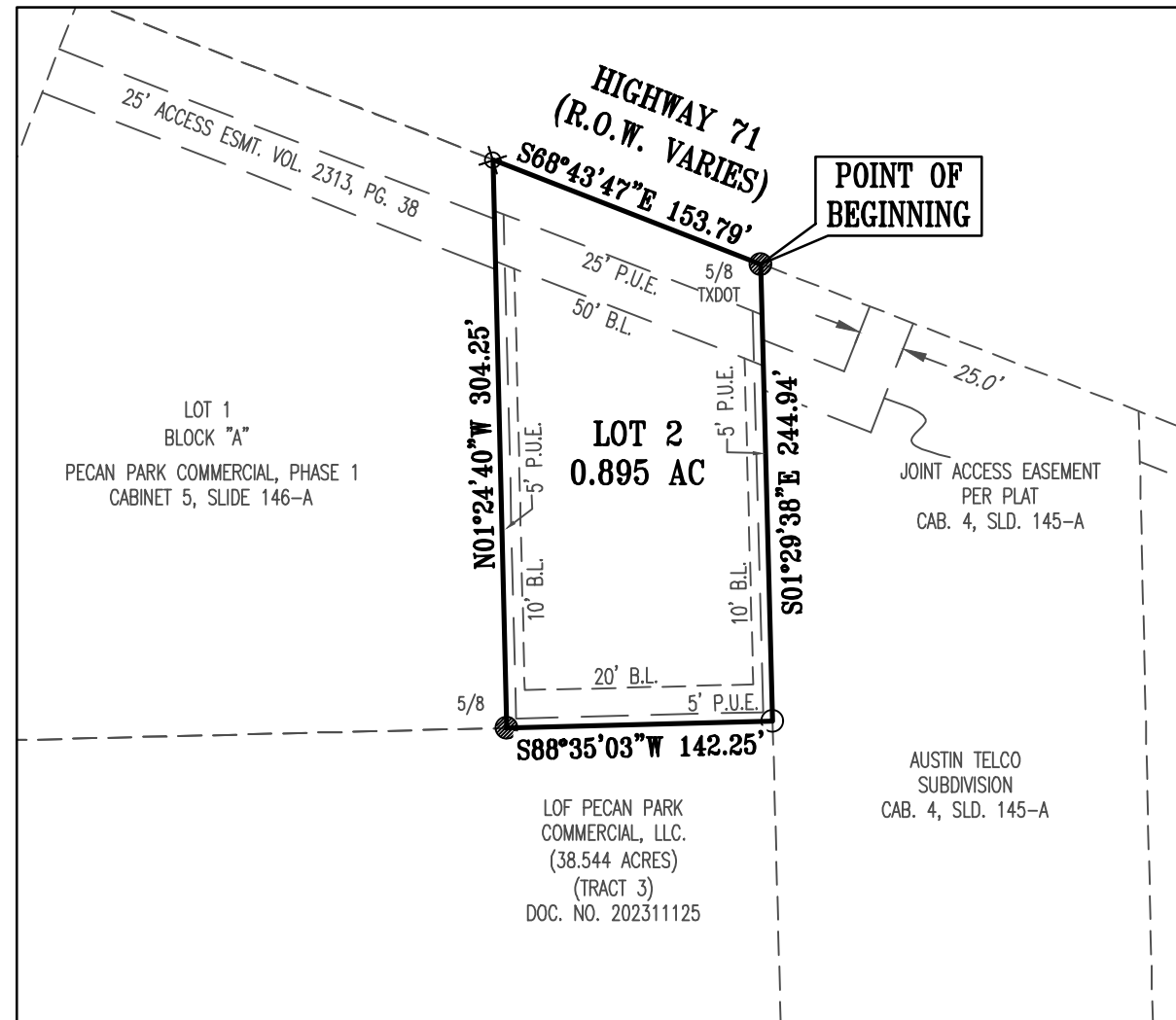
LEGAL DESCRIPTION:
BEING A PORTION OF A 38.544 ACRE TRACT OF LAND (TRACT 3) SITUATED IN THE THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, BASTROP COUNTY, TEXAS AS RECORDED IN DOCUMENT NUMBER 202311125, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS.

UTILITIES:
WATER: CITY OF BASTROP
WASTEWATER: CITY OF BASTROP
GAS: CENTERPOINT ENERGY
ELECTRIC: BLUEBONNET ELECTRIC
TELEPHONE: AT&T TELECOMMUNICATIONS COMPANY
CABLE: SPECTRUM CABLE

TOTAL ACREAGE: 0.895 ACRES
SURVEY: NANCY BLAKEY SURVEY, ABSTRACT NO. 98
COMMERCIAL LOTS: 1 TOTAL: 0.895 ACRES
NO. OF BLOCKS: 1

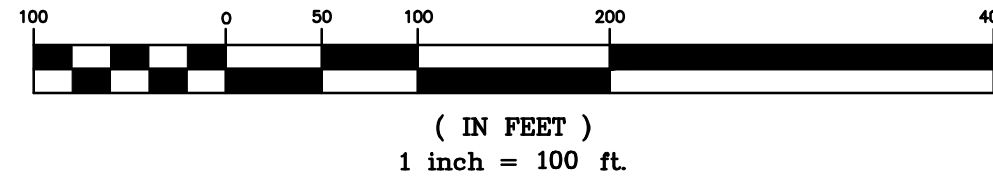
DATE: DECEMBER 12, 2024
LOF PECAN PARK COMMERCIAL, LLC
101 LAKEWAY BLVD STE 100
AUSTIN, TX 78734
PHONE: (512) 610-0516

ENGINEER & SURVEYOR:
AARON V. THOMASON, R.P.L.S. AND
JAMES COGNETTI, JR., P.E.
CARLSON, BRIGANCE & DOERING, Inc.
5501 WEST WILLIAM CANNON
AUSTIN, TX 78749
(512) 280-5160



SCALE: 1" = 100

GRAPHIC SCALE



LEGEND
● 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
○ 1/2" CAPPED IRON ROD SET (UNLESS OTHERWISE NOTED)
STAMPED "CBD SETSTONE"
* FOUND IN CONCRETE
--- BASTROP CITY LIMITS
--- B.L. BUILDING LINE
--- P.U.E. PUBLIC UTILITY EASEMENT
--- R.O.W. RIGHT-OF-WAY

METES AND BOUNDS

BEING ALL OF THAT CERTAIN 0.895 ACRE (39,007 SQ.FT.) TRACT OF LAND SITUATED IN THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, BASTROP COUNTY, TEXAS, BEING A PORTION OF A CALLED 38.544 ACRE TRACT OF LAND (TRACT 3) CONVEYED TO LOF PECAN PARK COMMERCIAL, LLC, BY DEED RECORDED IN DOCUMENT NUMBER 202311125, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS, SAID 0.895 ACRE (39,007 SQ.FT.) TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A CAPPED 5/8 INCH IRON ROD FOUND STAMPED "TXDOT" AT THE NORTHEAST CORNER OF SAID 38.544 ACRE TRACT OF LAND, BEING AT THE NORTHWEST CORNER OF A CALLED 2.017 ACRE TRACT OF LAND CONVEYED TO AUSTIN TELCO FEDERAL CREDIT UNION BY DEED RECORDED IN DOCUMENT NUMBER 200416614, OFFICIAL PUBLIC RECORDS, BASTROP COUNTY, TEXAS, SAME BEING ON THE SOUTH RIGHT-OF-WAY LINE OF HIGHWAY 71 (R.O.W. VARIES), FOR THE NORTHEAST CORNER AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT,

THENCE, S01°29'38"E, WITH THE COMMON LINE OF SAID 38.544 ACRE TRACT AND SAID 2.017 ACRE TRACT OF LAND, A DISTANCE OF 244.94 FEET TO A CAPPED 1/2 INCH IRON ROD SET STAMPED "CBD SETSTONE" FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND,

THENCE, S88°35'03"W, OVER AND ACROSS SAID 38.544 ACRE TRACT, A DISTANCE OF 142.25 FEET TO A 5/8 INCH IRON ROD FOUND AT AN INTERIOR CORNER ON THE NORTH LINE OF SAID 38.544 ACRE TRACT OF LAND, BEING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK A, PECAN PARK COMMERCIAL, PHASE 1, A SUBDIVISION RECORDED IN CABINET 5, SLIDE 146-A, PLAT RECORDS, BASTROP COUNTY, TEXAS, FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND,

THENCE, N01°24'40"W, WITH THE COMMON LINE OF SAID 38.544 ACRE TRACT AND SAID LOT 1, A DISTANCE OF 304.25 FEET TO AN "X" IN CONCRETE FOUND ON THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 71 BEING AT THE NORTHEAST CORNER OF SAID LOT 1, BLOCK A, SAME BEING AT THE NORTH CORNER OF SAID 38.544 ACRE TRACT OF LAND, FOR THE NORTHWEST CORNER OF THE HEREIN DESCRIBED TRACT OF LAND,

THENCE, S68°43'47"E, WITH THE SOUTH RIGHT-OF-WAY LINE OF HIGHWAY 71, AND THE NORTH LINE OF SAID 38.544 ACRE TRACT, A DISTANCE OF 153.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.895 ACRES (39,007 SQ.FT.) OF LAND.

GENERAL NOTES:

- THE BENCHMARKS USED ARE LCRA CONTROL MONUMENTS A753, A279, J805, & SHD2
- WATER SERVICE PROVIDED BY CITY OF BASTROP.
- WASTEWATER SERVICE PROVIDED BY CITY OF BASTROP.
- ELECTRIC SERVICE PROVIDED BY BLUEBONNET ELECTRIC.
- ALL SUBDIVISION IMPROVEMENT PERMITS SHALL CONFORM TO THE CITY OF BASTROP CODE OF ORDINANCES, PUBLIC IMPROVEMENT STANDARDS, AND GENERALLY ACCEPTED ENGINEERING PRACTICES.
- CONSTRUCTION PLANS AND SPECIFICATIONS FOR ALL SUBDIVISION IMPROVEMENTS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF BASTROP PRIOR TO ANY CONSTRUCTION WITHIN THE SUBDIVISION.
- THE OWNER OF THIS SUBDIVISION, AND HIS OR HER SUCCESSORS AND ASSIGNS, ASSUMES SOLE RESPONSIBILITY FOR PLANS FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS WHICH COMPLY WITH APPLICABLE CODES AND REQUIREMENTS OF THE CITY OF BASTROP. THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT PLAT VACATION OR RE-PLATTING MAY BE REQUIRED, AT THE OWNER'S SOLE EXPENSE, IF PLANS TO CONSTRUCT THIS SUBDIVISION DO NOT COMPLY WITH SUCH CODES AND REQUIREMENTS.
- BY APPROVING THIS PLAT, THE CITY OF BASTROP ASSUMES NO OBLIGATION TO CONSTRUCT ANY INFRASTRUCTURE IN CONNECTION WITH THIS SUBDIVISION. ANY SUBDIVISION INFRASTRUCTURE REQUIRED FOR THE DEVELOPMENT OF THE LOTS IN THIS SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE DEVELOPER AND/OR THE OWNERS OF THE LOTS. FAILURE TO CONSTRUCT ANY REQUIRED INFRASTRUCTURE TO CITY STANDARDS MAY BE JUST CAUSE FOR THE CITY TO DENY APPLICATIONS FOR CERTAIN DEVELOPMENT PERMITS INCLUDING BUILDING PERMITS, SITE PLAN APPROVALS AND/OR CERTIFICATE OF OCCUPANCY.
- EROSION AND SEDIMENTATION CONTROLS CONSTRUCTED IN ACCORDANCE WITH THE CODE OF ORDINANCES OF THE CITY OF BASTROP ARE REQUIRED FOR ALL CONSTRUCTION ON EACH LOT, INCLUDING SINGLE FAMILY AND DUPLEX CONSTRUCTION.
- PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS ON LOTS IN THIS SUBDIVISION, BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF BASTROP.
- SIDEWALKS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF BASTROP.
- ALL NEW UTILITIES WILL BE UNDERGROUND.
- DEVELOPER OR PROPERTY OWNER SHALL BE SOLELY RESPONSIBLE FOR ALL RELOCATION AND MODIFICATIONS TO EXISTING UTILITIES.
- STORM WATER DETENTION FACILITIES WILL BE PROVIDED TO REDUCE POST-DEVELOPMENT PEAK RATES OF DISCHARGE OF THE 2, 5, 10, 25, 50, AND 100-YEAR STORM EVENTS BY STRUCTURAL CONTAINMENT OR OTHER APPROVED METHODS. DISCHARGE OF FULLY DEVELOPED FLOWS SHALL REQUIRE OFF SITE CONVEYANCE AND APPROVAL BY THE CITY OF BASTROP.
- NO LOT OR STRUCTURE SHALL BE OCCUPIED PRIOR TO THE APPLICANT SUBMITTING TO THE CITY OF BASTROP DOCUMENTATION OF SUBDIVISION/SITE REGISTRATION WITH THE TEXAS DEPARTMENT OF LICENSING AND REGULATIONS (TDLR) AND PROVIDE DOCUMENTATION OF REVIEW AND COMPLIANCE OF THE SUBDIVISION CONSTRUCTION PLANS WITH TEXAS ARCHITECTURAL BARRIERS ACT.
- NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO THE APPROVED WATER DISTRIBUTION AND WASTEWATER COLLECTION FACILITIES.
- WATER AND WASTEWATER SYSTEMS SHALL CONFORM TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)
- THE IMPACT FEES FOR THIS SUBDIVISION SHALL BE ASSESSED IN ACCORDANCE WITH THE ORDINANCE EFFECTIVE AT THE TIME OF PLATTING.
- SITE DEVELOPMENT CONSTRUCTION PLANS SHALL BE REVIEWED AND ACCEPTED BY THE CITY OF BASTROP.
- FISCAL SURETY FOR SUBDIVISION CONSTRUCTION, IN A FORM ACCEPTABLE TO THE CITY OF BASTROP, SHALL BE PROVIDED PRIOR TO FINAL PLAT APPROVAL BY THE CITY.
- PUBLIC UTILITY AND DRAINAGE EASEMENTS WHERE SHOWN AND/OR DESCRIBED HEREON ARE INTENDED TO INDICATE AN EASEMENT FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC UTILITIES AND DRAINAGE WAYS, INCLUDING, BUT NOT LIMITED TO, SANITARY SEWERS, FORCE MAINS, WATER LINES, TELEPHONE SIGNAL CONDUITS, ELECTRIC CONDUCTORS, DRAINAGE PIPES, AND NATURAL GAS LINES.
- NO BUILDINGS, FENCES, LANDSCAPING OR OTHER STRUCTURES ARE PERMITTED WITHIN DRAINAGE EASEMENTS SHOWN, EXCEPT AS APPROVED BY THE CITY OF BASTROP.
- ALL EASEMENTS ON PRIVATE PROPERTY SHALL BE MAINTAINED BY THE PROPERTY OWNER OR HIS OR HER ASSIGNS.
- FLOOD WARNING: THE DEGREE OF FLOOD PROTECTION REQUIRED BY THE CITY OF BASTROP FLOOD DAMAGE PREVENTION ORDINANCE IS CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. ACCEPTANCE OF THIS PLAT BY THE CITY COUNCIL DOES NOT IMPLY THAT THE LAND OUTSIDE THE AREAS OF SPECIAL FLOOD HAZARDS OR USES PERMITTED WITHIN SUCH AREAS WILL BE FREE FROM FLOODING OR FLOOD DAMAGES. NOR SHALL ACCEPTANCE OF THIS PLAT CREATE LIABILITY ON THE PART OF THE CITY OF BASTROP OR ANY OFFICIAL OR EMPLOYEE THEREOF FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THE INFORMATION CONTAINED WITHIN THIS PLAT OR ANY ADMINISTRATION DECISION LAWFULLY MADE HEREUNDER.
- TEMPORARY AND PERMANENT EASEMENTS TO BE PROVIDED, AS REQUIRED AT THE CITY'S SOLE DISCRETION FOR OFF SITE WATER, WASTEWATER, AND DRAINAGE IMPROVEMENTS.
- PROPERTY OWNER SHALL PROVIDE FOR ACCESS TO ALL EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENT AUTHORITIES.
- AS SHOWN HEREON A TWENTY-FIVE (25) FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) IS HEREBY DEDICATED ADJACENT TO HIGHWAY 71. A FIVE (5) FOOT WIDE P.U.E. IS HEREBY DEDICATED ALONG EACH SIDE AND REAR LOT LINE.
- ALL CONSTRUCTION WORK MUST COMPLY WITH TCEQ GENERAL CONSTRUCTION STORMWATER PERMIT TXR150000.
- ALL WORK INSIDE TXDOT RIGHT OF WAY SHALL BE APPROVED IN WRITING BY TXDOT.
- LOT 2 SHALL HAVE NO DIRECT ACCESS TO HIGHWAY 71 EASTBOUND ACCESS ROAD.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS AND/OR APPROVALS AS REQUIRED BY OTHER REGULATORY AGENCIES FOR DEVELOPMENT OF THE PROJECT.
- THIS FINAL PLAT HAS BEEN ASSIGNED A ZONING DESIGNATION OF PD PER CITY OF BASTROP ORDINANCE 2015-14, APPROVED 25 AUGUST, 2015, AND ORDINANCE 2021-18, APPROVED 14 DECEMBER, 2021, AND AS AMENDED.
- THIS PLAT CONFORMS TO THE PRELIMINARY PLAT APPROVED BY THE PLANNING AND ZONING COMMISSION ON 8/4/2022.

STATE OF TEXAS §
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

THAT, LOF PECAN PARK COMMERCIAL, LLC, ACTING HEREIN BY AND THROUGH AND BEING THE OWNER OF THAT CERTAIN 38.544 ACRE TRACT OF LAND AS CONVEYED TO LOF PECAN PARK COMMERCIAL, LLC, IN DOCUMENT NUMBER 202311125, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, OUT OF THE NANCY BLAKEY SURVEY, ABSTRACT NUMBER 98, SITUATED IN BASTROP COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 0.895 ACRES OF LAND, IN ACCORDANCE WITH THE ATTACHED MAP OR PLAT, TO BE KNOWN AS:

"PECAN PARK COMMERCIAL, LOT 2"

AND DOES HEREBY DEDICATE TO THE PUBLIC, THE USE OF THE STREETS AND/OR EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

WITNESS MY HAND, THIS THE _____ DAY OF _____, 20____, A.D.

HAYTHEM DAWLETT
LOF PECAN PARK COMMERCIAL, LLC.
101 LAKEWAY BLVD STE 100
AUSTIN, TX 78734

STATE OF TEXAS §
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED HAYTHEM DAWLETT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20____, A.D.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

FLOOD PLAIN NOTE:

NO PORTION OF THIS TRACT LIES WITHIN A DESIGNATED FLOOD HAZARD AREA, THIS TRACT LIES IN ZONE X-500 (0.2 PERCENT ANNUAL CHANCE FLOOD HAZARD), AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION RATE MAP NO. 48021C0355F, FOR BASTROP COUNTY TEXAS, DATED MAY 9, 2023. COMMUNITY NUMBER 480022.

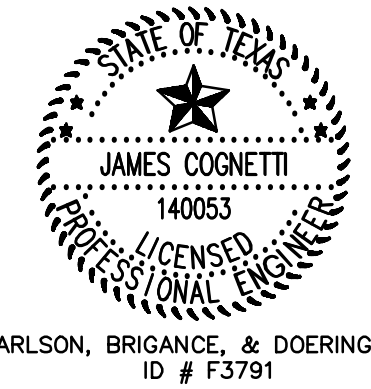
THIS FLOOD STATEMENT, AS DETERMINED BY A H.U.D.-F.I.A. FLOOD INSURANCE RATE MAP, DOES NOT IMPLY THAT THE PROPERTY OR THE IMPROVEMENTS THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR, AND FLOOD HEIGHTS MAY INCREASE BY MAN-MADE OR NATURAL CAUSES.

THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF ENGINEER OR SURVEYOR.

STATE OF TEXAS §
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

I, JAMES COGNETTI, P.E. DO HEREBY CERTIFY THAT THE STREETS AND DRAINAGE DESIGN, AS SHOWN HEREON, COMPLIES WITH THE SUBDIVISION REGULATIONS FOR THE CITY OF BASTROP, AND THAT NO PORTION OF THIS PROPERTY IS WITHIN THE 100 YEAR FLOOD PLAN AS SHOWN HEREON.

ENGINEERING BY: _____ DATE _____
JAMES COGNETTI, P.E. NO. 140053
CARLSON, BRIGANCE & DOERING, INC.
5701 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
jrcognetti@cbden.com



STATE OF TEXAS §
COUNTY OF TRAVIS § KNOW ALL MEN BY THESE PRESENTS:

THAT I, AARON V. THOMASON, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE ON-THE-GROUND SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION, IN ACCORDANCE WITH THE SUBDIVISION REGULATION OF THE CITY OF BASTROP, BASTROP COUNTY, TEXAS. ALL EASEMENTS OF RECORD HAVE BEEN IDENTIFIED ON THIS PLAT TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. FOR REVIEW ONLY. RELEASE DATE 12/12/24.

SURVEYED BY: _____ DATE _____
AARON V. THOMASON - R.P.L.S. NO. 6214
CARLSON, BRIGANCE & DOERING, INC.
5501 WEST WILLIAM CANNON DRIVE
AUSTIN, TEXAS 78749
AARON@CBDENG.COM

APPROVED ON THIS _____ DAY OF _____, 20____, A.D., BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BASTROP, TEXAS.

APPROVED: _____ ATTEST: _____
PLANNING & ZONING COMMISSION CHAIRPERSON CITY SECRETARY

STATE OF TEXAS §
COUNTY OF BASTROP § KNOW ALL MEN BY THESE PRESENTS:

I, KRISTA BARTSCH, CLERK OF BASTROP COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING AND ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE _____ DAY OF _____, 20____, A.D., IN THE PLAT RECORDS OF SAID COUNTY AND STATE IN PLAT CABINET _____ PAGE(S) _____ FILED FOR RECORD AT _____ O'CLOCK _____, THIS _____ DAY OF _____, 20____, A.D.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK, THE _____ DAY OF _____, 20____, A.D.

_____, COUNTY CLERK, BASTROP COUNTY, TEXAS

BY: DEPUTY

SHEET NO. 1 OF 1





STAFF REPORT

MEETING DATE: January 30, 2024

TITLE:

- 1) **Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to decrease the caliper per tree that will be protected from future development.**

This amendment seeks to increase protection of trees by reducing the caliper inch when mitigation begins from 13 caliper inches to smaller.

- 2) **Hold public hearing, consider, and act to amend section 6.3.004 PROTECTED & HERITAGE TREES to add the requirement of a tree survey, add penalties, and further explanation of the requirements for tree protection.**

This amendment seeks to improve tree protection by adding requirements for a tree survey and also adding penalties when not followed.

- 3) **Hold public hearing, consider, and act to amend TABLE 2.1.003 PREFERRED PLANT LIST in the Technical Manual to add the Pecan Tree amongst others and remove some current trees.**

This amendment seeks to add additional species to the existing plant list and remove some trees based on recommendations from the native plant society and independent arborists.

- 4) **Hold public hearing, consider, and act to amend Chapter 10, Definitions to include definitions of ISA-Certified Arborist, Native Plants and others.**

This amendment seeks to add clarity.

- 5) **Hold public hearing, consider, and act to amend Appendix A, Fee Schedule for tree mitigation fees and establish penalty for violation.**

This amendment seeks to clarify the cost of mitigation, and introduce a penalty for violation.

AGENDA ITEM SUBMITTED BY:

Submitted by: Kennedy Higgins, Senior Planner, Development Services Department

BACKGROUND/HISTORY:

The B3 code was adopted in November of 2019, and subsequently amended in April of 2022. From 2016 to 2023, Bastrop’s population grew by approximately 34.3%. Due to the increased growth from Austin to the west, the availability of large land parcels, the availability of water, and abundant natural resources, the growth shows no signs of slowing.

“The intent of the Code is to establish the Standards that enable, encourage, and ensure the community achieves:

- ✓ ***Fiscal Sustainability***
- ✓ ***Geographically Sensitive Developments***
- ✓ ***Perpetuation of Authentic Bastrop” pg. 11 – B3 Code***

While the aspirational ideas envisioned in the preamble of the B3 code (as noted above) to provide for fiscal sustainability, geographically sensitive developments, and perpetuation of Authentic Bastrop, several segments of the code accomplished just the opposite.

The B3 code removed several key factors to preserving the natural environment.

“Retain its natural infrastructure and visual character derived from topography, woodlands, farmlands and waterways;” Pg 12 -The B3 Code

While that may be a lofty aspirational goal, without increased protection for the natural environment, the minimal tree standards and penalties for removal of trees in the B3 creates a situation where it is easier to cut down trees, than it is to save them.

The proposed amendments for Sections 6.3.004 Protected & Heritage Trees, and Table 2.1.003 Preferred Plant List (B3 Technical Manual), are proposed to rectify the original intent of the B3 code which allows for any tree not on the preferred plant list to be taken down without penalty.

TABLE 2.1.003 PREFERRED PLANT LIST

Canopy		Accent	Grasses and Shrubs
American Elm	Texas Hickory	Crape Myrtle	Anthony Waterer Spirea
Austrian Pine	Texas Red Oak	Deciduous Magnolia	Apache Plume
Bald Cypress	Western Soapberry	Eastern Red Cedar	Autumn Sage
Black Jack Oak		Eve’s Necklace	Dwarf Wax Myrtle
Bur Oak		Mexican Buckeye	Gray Santolina
Caddo Maple		Mexican Plum	Gulf Muhly
Cedar Elm		Red Bud	Indian Grass
Chinese Pistache		Smoke Tree	Inland Sea Oats
Chinquapin Oak		Vitex	Lindheimer Muhly
Lacebark Elm		Wichita Blue Juniper	Little Bluestem Grass
Live Oak			Little Bunny Fountain Grass
Loblolly Pine			Mexican Feather Grass
Magnolia			Rose Creek Abelia
Post Oak			Rosemary
Red Cedar			Seep Muhly
Shumard Red Oak			Texas Sage
Southern Magnolia			
Sweetgum			

Currently, mitigation for removal of a tree starts at 13 caliper inches, as long as the tree is on the preferred plant list. If it is not on the preferred plant list (see above), no mitigation is required. State legislation allows Cities to begin mitigating at as low as 10 inches. This amendment to the B3 code will ensure that more trees will either be protected, or there will be a fee in lieu of in order to cover the cost of a replacement tree.

Additionally, a tree survey is required for any tree on a property that is over 6 inches. There are not currently regulations around the tree survey, as they were only a requirement within the Public Improvement Plan. These amendments will add an expiration date to the tree survey, to ensure that an accurate and recent survey of the trees on site is provided. It will also add further requirements to ensure adequate protection.

One recommendation from independent arborists is to use the Arbor Day Foundation Tree list. This list has many trees, but does also include some invasive species and trees that might not thrive here since it is not a Texas specific list. One important thing to note is that the Pecan tree (Texas state tree) is not on the City's current list and that with many other species have been added to our list updating the chart above. From the last meeting White Mulberry has been removed as it is invasive per the native plant society.

The proposed amendment to the tree protection allows residents and visitors to enjoy the natural environment and the trees that are so vital to the community.

FISCAL IMPACT:

None

RECOMMENDATION:

On January 13, 2025, the Parks and Recreation Board met to discuss these changes. The board recommendations all passed unanimously.

The board voted to increase the fee per caliper inch to \$250 instead of \$150 per caliper inch.

The board supports the moderate option for both the protected and heritage trees as it pertains to the size of the replacement tree being planted and suggested the following as ii: If an ISA-certified arborist deems a replacement tree as dead or dying within five years of the date it was planted, it must be replaced by another replacement tree in compliance with this code.

The board supports Penalty Option 1 with the following changes: *Penalties for Unauthorized Removal of Trees*. If any tree is removed from any real property, including injury to a tree resulting from the owner's failure to follow required tree protection guidelines, that results in or may reasonably be expected to result in the death of the subject tree(s), the property owner shall be determined to be in violation of this Ordinance. Any person or corporation violating any of the provisions of this ordinance shall, upon notice of the citation, fines will be assessed at a rate of \$2000 per day until paid. In addition, the Certificate of Occupancy shall not be issued until the fees/penalties are paid in full.

The board recommended a ½ credit for every inch of invasive tree being removed. The intention is to give credit for the removal of invasive trees.

The parks board recommendations have been included in the attached document (attachment 1) in italics.

The board supports the new tree list and also recommended categorizing all oaks as just Oaks/ Quercus.

ATTACHMENTS:

1. B3 Code Proposed Amendment in redline

B3 Code changes

SEC. 6.3.004 PROTECTED & HERITAGE TREES

- (a) Tree Determinations: Protected or heritage tree designations are determined by measuring at the height of the tree at 4.5 feet above the ground or Diameter at Breast Height (DBH), for various tree species for purposes of applying the Standards of this section. Multi-trunk trees are to be measured with the largest trunk counting for full DBH inches plus 50 percent of the DBH sum of the additional trunks, if the tree is classified as protected or heritage.

When the trunk branches or splits less than 4.5 feet from the ground, measure the smallest circumference below the lowest branch. See Figure 6.3B. If the tree has a branch or a bump at 4.5 feet, it is better to measure the diameter slightly below or above the branch/bump.

- (b) No grading or tree removal shall take place on any undeveloped property without obtaining a permit unless exempted from this code
- (c) Tree Survey
- (1) A tree survey and preservation plan for all areas of soil disturbance and construction activity including all work within rights-of-way and easements shall be submitted within a zoning concept scheme application. If rezoning is not applicable for a property, then this document shall be submitted at the time of public improvement plans or site development plans, whichever is first.
 - (2) The tree survey and preservation plan shall be approved and signed by an ISA certified Arborist and licensed surveyor and the information submitted shall not be older than two years.
 - (3) The tree survey and preservation plan must be reviewed
 - (4) The requirement of a tree survey and preservation plan may be appealed to the Planning and Zoning Commission. If sufficient information is provided to review the various provisions of this Code and the Commission determines that a tree survey and preservation plan is not necessary, the Commission may recommend that this requirement may be waived by the City Council the City Council shall make the final decision on whether a tree survey and preservation plan is necessary for development.

- (d) Protected Trees:

- (1) Tree species listed in the Preferred Plant List in the B3 Technical Manual with a ~~13-caliper~~ 10-inch caliper diameter or greater measured at the DBH.
- (2) Protected trees must be preserved, protected, and integrated in the Development of the property.
- (3) Proposed Removal of healthy protected trees must be submitted for approval to the DRC.

(4) Granted Removal of protected trees shall be replaced by planting trees from the Preferred Plant List in the B3 Technical Manual, on the property equal to the total caliper inches of the trees removed, measured at 12 inches in height from the ground.

Option 1 Strict

i. Said replacement trees shall be a minimum of four-inch (4") diameter (measured at twelve [12"] above ground) and seven (7') in height when planted.

Option 2 Moderate (Parks board recommendation, italicized shows parks board changes)

i. A sufficient number of trees shall be planted to equal, in caliper, the caliper of the tree removed. Said replacement trees shall be a minimum of three (3) inches caliper when planted.

ii. If an ISA certified arborist deems a replacement tree as dead or dying within five years of the date it was planted, it must be replaced by another replacement tree in compliance with this code.

(5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site cannot meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

(6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(e) Heritage Trees:

(1) Tree species listed in Preferred Plant List in the B3 Technical Manual with a 24 caliper inch circumference or greater measured DBH.

(2) Heritage trees must be preserved, protected, and integrated in the Development of the property.

(3) Proposed Removal of healthy heritage trees must be submitted for approval to the DRC.

(4) Granted Removal of heritage trees shall be replaced by planting trees from the Preferred Plant List in the B3 Technical Manual, on the property equal to the total caliper inches removed, measured at 12 inches in height from the ground.

Option 1 Strict

i. Said replacement trees shall be a minimum of four-inch (4") diameter (measured at twelve [12"] above ground) and seven (7') in height when planted.

Option 2 Moderate (Parks board recommendation, italicized shows parks board changes)

i. A sufficient number of trees shall be planted to equal, in caliper, the caliper of the tree removed. Said replacement trees shall be a minimum of three (3) inches caliper when planted.

ii. If an ISA certified arborist deems a replacement tree as dead or dying within five years of the date it was planted, it must be replaced by another replacement tree in compliance with this code.

ii. A replacement tree that dies within two years of the date it was planted must be replaced by another replacement tree in compliance with this Code.

(5) Alternative compliance may be submitted to the DRC for approval or a fee in lieu shall be paid if the Site can not meet the Standards of this section. See the City Fee Schedule for tree replacement cost.

(6) This mitigative measure is not meant to supplant good site planning. Tree replacement will be considered only after all design alternatives, which could save more existing trees, have been evaluated and reasonably rejected.

(g) Tree Preservation Credits.

(1) For every healthy protected tree ten (10) inches caliper or larger) located outside of the flood plain that is preserved, the developer shall be given credit, according to the following chart. When interior parking lot landscaping is also required, only those trees preserved in the parking area shall be considered for credit for the parking area, according to the following:

i. Trees ten (10) inches to twenty-four (24) inches caliper: one and one-half (1½") inches credit for each one (1) inch preserved.

ii. Trees over twenty-four (24) inches caliper: Two (2) inches credit for each one (1) inch preserved.

iii. Healthy unprotected trees, over twelve (12) inches in size, located outside the flood plain, may be considered for tree credits only when individually field inspected and approved by a designated representative of the City of Bastrop.

(h) Replacement of Trees.

- (1) In the event it is necessary to remove a tree six (6) inches caliper or larger, the developer, builder or property owner shall be required to replace the tree to be removed with comparable or better spacious trees somewhere within the planned development or subdivision. The City Council may allow such trees to be located to other areas in the City if it is deemed necessary by City staff, and space is available. Otherwise, the developer, builder or property owner shall, at the City's option, escrow funds sufficient to meet the requirements of this Ordinance
- (2) Trees planted to satisfy landscape requirements that are indicated herein, and successfully transplanted trees, shall count toward the tree replacement

requirements, inch for inch. Transplanted trees must successfully survive one (1) full year after planting to count as a preserved tree.

(f) Exempt Trees:

- (1) Any protected or heritage trees determined to be diseased, overly-mature, dying or dead, by an ISA certified arborist are exempted from the Standards of this Code.
- (2) All invasive species identified by an ISA certified arborist will receive invasive species credits, ½ credit for every inch of invasive tree being removed.

Definitions to be added to Chapter 10:

Native Plants - are plants that have been growing in a particular habitat and region, typically for thousands of years or much longer. Also called indigenous, they are well adapted to the climate, light, and soil conditions that characterize their ecosystem. Within this system, they have evolved tremendously important co-evolutionary relationships with the other plants, animals, fungi, and bacteria present, and these very complex relationships keep that particular ecosystem stable.

Invasive Plants - plants that are not native to a particular habitat, and once introduced, they move aggressively into a habitat and monopolize resources such as light, nutrients, water, and space to the detriment of other species.

ISA-Certified Arborist - International Society of Arboriculture tested and certified to have a professional level of knowledge and skill in the field of arboriculture.

Technical Manual Changes (Tree list recommended by Parks Board)

B3 Technical Manual					
Native Trees		Invasive Trees		Acceptable Non-Native Plants	
American Elm	Ulmus americana	Ash (all except Texas Ash)	Fraxinus Sp.	Apple	Malus sp.
Bald Cypress	Taxodium distichum	Australian Pine	Casuarina equisetifolia	Crepe Myrtle	Lagerstroemia sp.
Bigtooth Maple	Acer grandidentatum	Beach Sheoak	Casuarina equisetifolia	Fig	Ficus sp.
Black Jack Oak	Quercus marilandica	Bottlebrush Tree	Melaleuca quinquenervia	Grape	Vitis Sp.
Box Elder	Acer negundo	Brazilian Pepper Tree	Schinus tevbantifolius	Loquat	Eriobotrya japonica
Bur Oak	Quercus macrocarpa	Camphor Tree	Cinnamomum camphora	Peach, Plum	Prunus sp.
Cedar Elm	Ulmus crassifolia	Carrotwood Tree	Cupaniopsis anacardioides	Pear	Pyrus sp.
Chinquapin Oak	Quercus muhlenbergii	China Berry	Melia azedarach	Pomegranate	Punica granatum
Desert Willow	Chilopsis linearis	Chinese Elm	Ulmus pumila	Rose	Rosa sp.
Eastern Cottonwood	Populus deltoides	Chinese Parasol	Firmiana simplex	Zoysia Grass	Zoysia sp.
Eastern Red Cedar	Juniperus virginiana	Chinese Parasol Tree	Firmiana simplex		
Gum Bumelia	Sideroxylon lanuginosum	Chinese Pistache	Pistacia chinensis		
Hackberry	Celtis laevigata	Chinese Tallow	Triadica sebifera		
Live Oak	Quercus virginiana	Chinese Wisteria	Wisteria sinensis		
Loblolly Pine	Pinus taeda	Golden Rain Tree	Koelreuteria paniculata	Native Landscaping Plants	
Mexican Buckeye	Ungnadia speciosa	Ligustrum, Privet	Ligustrum lucidum, Ligustrum sp.	Evergreen Sumac	Rhus virens
Mexican Plumb	Prunus mexicana	Mimosa Tree	Albizia julibrissin	Eve's Necklace	Styphnolobium affine
Osage Orange	Maclura pomifera	Paper Mulberry	Broussonetia papyrifera	Flameleaf Sumac	Rhus lanceolata
Pecan	Carya illinoensis	Peepul Tree	Ficus religiosa	Mountain Laurel	Sophora secundiflora
Post Oak	Quercus stellata	Popinac	Leucaena leucocephala	Possumhaw	Ilex decidua
Ratama, Paloverde	Parkinsonia aculeate	Princess Tree	Paulownia tomentosa	Red Buckeye	Aesculus pavia
Red Bud	Cercis canadensis var. texensis	Russian, Autumn Olive	Elaeagnus unbellata	Southern Wax Myrtle	Myrica cerifera
Red Maple	Acer rubrum	Salt Cedar	Tamarix sp.	Texas Buckeye	Aesculus glabra
Red Mulberry	Morus rubra	Tree of Heaven	Ailanthus altissima	Texas Lantana	Lantana urticoides
Roughleaf Dogwood	Cornus drummondii	True Cedar Tree	Cedrus sp.	Yellow Bells	Tecoma stans
Southern Catalpa	Catalpa bignonioides	Vitex	Vitex agnus-castus		
Sycamore	Platanus occidentalis	Bradford pear	Pyrus calleryana		
Texas Ash	Fraxinus texensis	Invasive Landscaping Plants and Grasses			
Texas Hickory	Carya texana	Japanese Honeysuckle	Lonicera japonica	Native Landscaping Grasses	
Texas Persimmon	Diospyros texana	Nandina	Nandina domestica	Buffalo Grass	Bouteloua dactyloides
Texas Red Oak	Quercus texana	Lantana	Lantana camera	Curly Mesquite	Hilaria berlangeri
Texas Walnut	Juglans microcarpa	Bermuda Grass	Cynodon dactylon	Little Bluestem	Schizachyrium scoparium
Toothache Tree	Zanthoxylum hirsutum	Buffelgrass	Cenchrus ciliaris	Inland Sea Oats	Chasmanthium latifolium
Western Soapberry	Sapindus saponaria var. drummondii	Common Reed	Phragmites australis	SideOats Gramma	Bouteloua curtipendula
Wild Cherry	Prunus serotina	English Ivy	Hedera helix	Muhly Grasses	Muhlenbergia sp.
Winged Elm	Ulmus alata	Giant Reed	Arundo donax	Eastern Gamma Grass	Tripsacum dactyloides
		Bamboo	Phyllostachys sp., Bambusa sp.	Indian Grass	Sorghastrum nutans
		Multiflora rose	Rosa multiflora		
		Rose of Sharon	Hibiscus syriacus		
		Annual Bluegrass	Poa annua		
		Carpet Grass	Axonopus sp.		
		Rye Grass	Lolium Sp		
		red Fescue	Festuca rubra		

Appendix A-

Tree Mitigation ~~Fee- \$600 per 4 caliper inch Tree~~ \$150 per 1 caliper inch. (Parks Board recommends increasing fee to \$250)

Penalty.Option 1 -Strict (Parks Board Recommendation with Changes italicized)

Penalties for Unauthorized Removal of Trees. *If any tree is removed from any real property, including injury to a tree resulting from the owner's failure to follow required tree protection guidelines, that results in or may reasonably be expected to result in the death of the subject tree(s), the property owner shall be determined to be in violation of this Ordinance.*

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined the sum of two thousand dollars (\$2,000.00) per day; (In addition Certificate of Occupancy shall not be issued until the fees/penalties are paid in full.) and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

Option 2-Moderate

1. Any person, firm, corporation, agent, or employee thereof who violates the provisions of this Code by removing trees without a permit shall be guilty of a misdemeanor and upon conviction hereof shall be fined in an amount not to exceed two hundred and fifty dollars (\$250.00) per caliper inch of the tree(s) removed not to exceed two thousand dollars (\$2,000) per incident.

2. A person firm, corporation, agent, or employee thereof violates any other provisions of this Code shall be guilty of a misdemeanor and upon conviction hereof shall be fined a minimum of five hundred dollars (\$500.00) but not to exceed two thousand dollars (\$2,000) per incident. The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident and each incident subjects the violator to the maximum penalty set forth herein per tree.