



PUBLIC WORKS



To: Environmental Commission

From: Lisa Killander
City of Austin Public Works Department
ISA Certified Arborist, TX 3735-A
Tree Risk Assessment Qualified

Date: May 5, 2021

Re: Denial of request to remove –20-inch Cottonwood in the Right-of-Way (ROW) located at 13213 Villa Park Drive, Austin, Texas

Posting Language:

Consider a request from a private property owner, Patrick Fulker to appeal the Urban Forester's denial of application for an administrative approval, as provided for in City Code Section 6-3-91, to remove public trees located at 13213 Villa Park Drive, Austin, Texas 78729.

City's Determination:

Denial of request to remove the following Public Tree:

20" COTTONWOOD TREE LOCATED WITHIN CITY ROW
13213 VILLA PARK DRIVE, AUSTIN, TEXAS 78729

Right of appeal:

A person may appeal a denial to remove a Public Tree to the Environmental Commission under City Code Section 6-3-91.

Action required of this Commission on appeal:

The Commission may overrule, sustain, or modify the determination. City Code Section 6-3-93.

Summary of the Title 6 Process:

Prior to removing a tree on public property, a person must obtain approval from the Urban Forester. The Urban Forester will review the request and either approve or deny the request in accordance with City Code 6-3-73. If the Urban Forester denies the request to remove a public tree, a person may appeal the denial to the Environmental Commission. During the hearing on the appeal, both staff and the person appealing the Urban Forester's decision may present

written information and address the Commission. Following the hearing on the appeal, City Code 6-3-91 requires that the Environmental Commission sustain, modify, or overrule the Urban Forester's decision regarding the tree/s in question.

Background and Discussion

In January 2020, Patrick Fulker, homeowner at 13213 Villa Park Dr, applied to the Development Services Department (DSD) for a permit to remove two protected Cottonwood trees, sizes 34 and 20 inches diameter at breast height (DBH). DSD forwarded the request to Public Works Forestry (PWF) to make a determination of ownership.



On January 24, 2020 the site was visited by a Forestry Inspector who is also an ISA Certified Arborist. PWF informed DSD that the trees were in the ROW and should be preserved. DSD denied the permit as the trees were located in the City ROW and PWF determined the trees should remain.



On August 26, 2020 the Program Manager visited the site with another PWF Arborist. A conditional assessment was performed on the 20-inch Cottonwood. This tree had tight bark, good scaffold structure, and no evidence of insects or fungal conks. The canopy was moderately dense with healthy green leaves and no evidence of any large branch failure. For these reasons, PWF again denied permission to remove the 20-inch Cottonwood.

On February 25, 2021 Mr. Fulker requested removal of the 20" tree claiming that a root from the tree had cracked a pipe next to his water meter. He submitted a repair receipt dated February 22 that had no comments related to roots damaging the pipe. This repair occurred several days following the freezing temperatures the second week of February 2021.

March 15, 2021, I visited the site, performed an assessment of the tree, and prepared a report of my findings attached here. In summary, the 20" cottonwood tree that is the subject of this appeal is a healthy tree in good condition. I found that the condition of the tree had not changed since the time of my earlier evaluation in August of 2020.

The City being unable to find any reason to grant a request to remove this tree located within the public ROW at 13213 Villa Park Drive, on March 17, 2021 I provided the appellant with notice that the City had denied the request that is the subject of this appeal.



Action Required of Commission for this Appeal:

The Commission may overrule, sustain, or modify the City's determination to deny permission to remove the tree. City Code Section 6-3-93.