

Request for a Modified Opinion on the Urban Forester's decision for removal of a cottonwood tree

20" Tree Located in the Right of Way on Crown Ct, Austin TX

PROPERTY OWNER SEEKS A MODIFIED OPINION ON THE TREE'S REMOVAL:

- Remove tree at property owner's expense.
- Plant at least one heritage species tree on owner's property (or pay mitigation fee).
- No more damage to City or property owner's infrastructure.
- No cost to the City of Austin.



Spokane Municipal Code

[Home](#)[Title 13](#)[Chapter 13.05](#)[Section 13.05.020](#)

[Title 13](#) Public Utilities and Services

[Chapter 13.05](#) Interference with Utilities

[Section 13.05.020](#) Poplar and Cottonwood Trees a Nuisance

Planting and/or maintenance of cottonwood and poplar shade trees along the sides of streets of the City is hereby declared to be a nuisance and menace to sewer and water pipes and hydrants, and no person may plant or maintain such trees at such locations, including locations within fifty feet of any water or sewer pipes.

Date Passed: Monday, October 15, 2007

Effective Date: Wednesday, November 28, 2007

Recodification ORD C34122 Section 1

[HISTORY: Adopted by the Common Council of the City of Franklin 8-5-1997 by Ord. No. 97-1461 as Sec. 9.08 of the 1997 Code. Amendments noted where applicable.]

§ 240-8 Cottonwood and Box Elder trees prohibited.

Each and every female tree of the species *Populus deltoides*, variety *Populus balsamifera* or other pistillate form of the genus *Polulus*, commonly known as "Cottonwoods," every female tree of the species *Acer negundo*, commonly called the "seed-bearing Box Elder," which is now or may hereafter become infested with *Leptocoris trivittatus*, commonly known as the "Box Elder" bug, or any other tree or shrub whose seeds, fruits or flowers shall fall in such manner as to interfere with the storm drainage system is hereby declared to be a public nuisance, and any person having any such tree on his or her premises shall cause the same to be destroyed.



Iowa General Assembly

657.2 What deemed nuisances.

The following are nuisances:

8. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in cities.

What Complications Arise from Cottonwood Trees?

Joshua Wilke | July 1, 2019

Cottonwoods are a trouble-making tree for many reasons. They have those irritating seeds that float into every nook and cranny, and sticky buds that fall off everywhere. These buds are troublesome to get off of cars and will stain carpets yellow if tracked inside.

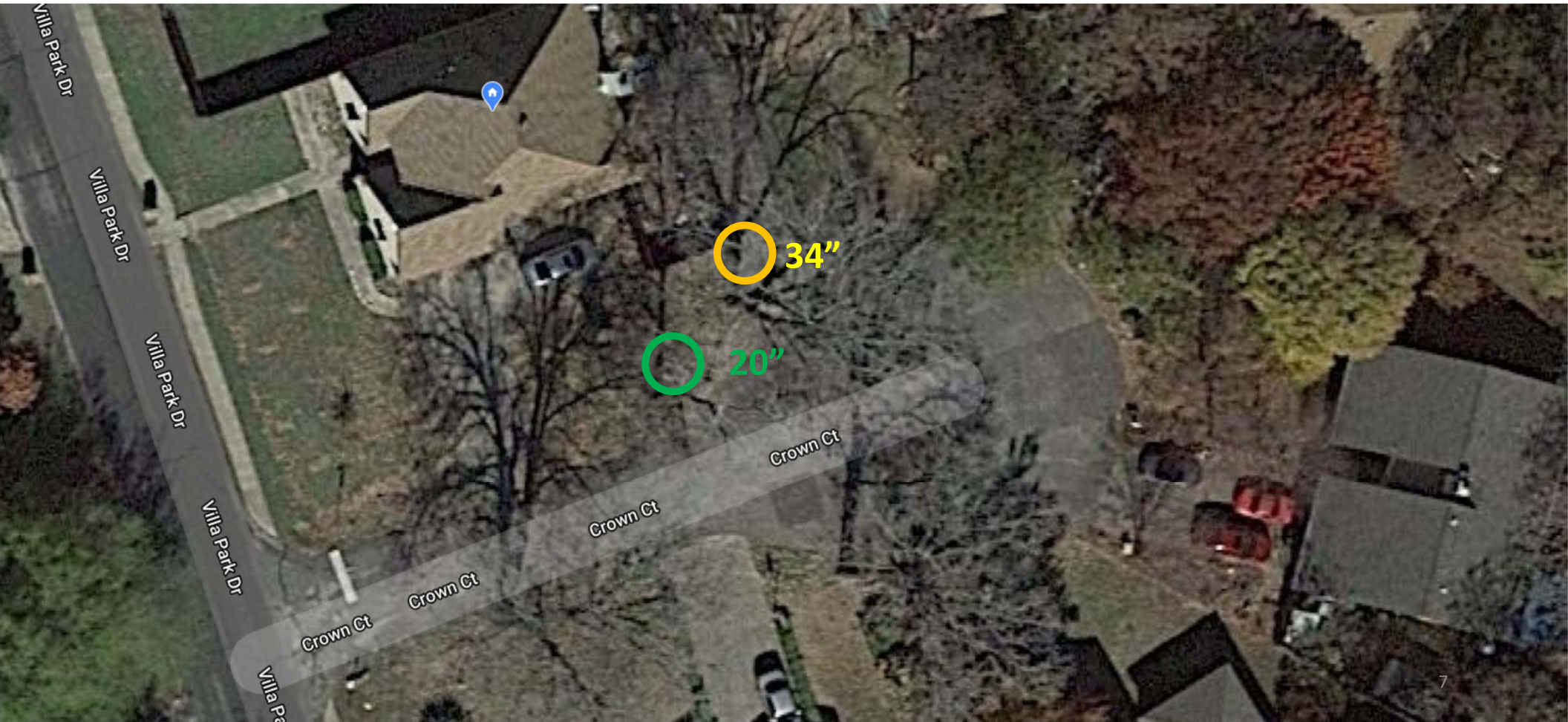
Even though they can practically grow all over the United States and in many environments, cottonwoods are not as resilient as they seem. They are a fast-growing species. In fact, they are the fastest growing trees in North America, growing 6 feet or more in height per year. This puts them at risk for having weaker, more porous wood than other types of trees. They have a propensity to be penetrated by infestations, to rot, and to break more easily. Because their weak wood is more likely than other trees to be diseased, rotten, or bug infested, they are more likely to die, break, and fall. The summer season is especially dangerous as it is a time when cottonwoods are growing too fast for their own good, thus making them more vulnerable to breakage.

Because they grow so easily and quickly in many places, their root systems are likely to spread where they shouldn't and tear underground things, like pipes, apart. They also are a major culprit in the destruction of wetlands and retaining ponds.

<https://www.skyhightreeremoval.com/2019/07/01/what-complications-arise-from-cottonwood-trees/>

SUBJECT TREE & LOCATION

Crown Ct, Austin TX



34" Tree and 20" Tree damaging property owner's pipes

- Property owner provided repair documents and pictures of pipe damage caused by these trees and their roots to the Urban Forester.
- Large roots from both trees are on my water line. My pipes have been damaged multiple times.
- Urban Forester was immediately dismissive of these facts.

Killander, Lisa <Lisa.Killander@austintexas.gov>
To: Patrick Fulker <patrick.fulker@gmail.com>

Sun, May 24, 2020 at 1:18 PM

Patrick,

You seem to believe the trees are actively destroying your water line and that is simply not the case. As I stated in a previous email, the roots will grow towards a leak in the water pipe and can then cause the flow within the pipe to be impeded. These tree roots are not crushing or cracking your waterline. If they were then you would have had ongoing repairs starting after you moved in and throughout the past 14 years that you have lived in your home. You can bring this matter up to your district councilman. They will reach out for my response and I will give the same response I have given you. I am sorry you feel these trees are suddenly a detriment to your property.







From: Alvis, Mike

Sent: Thursday, August 20, 2020 1:16 PM

To: 'McKown, OB' <OB.McKown@austintexas.gov>; Priest, Daniel <Daniel.Priest@austintexas.gov>

Cc: Morrow, Scott <Scott.Morrow@austintexas.gov>

Subject: 13213 Villa Park Dr.

Good Afternoon Gentlemen,

I have been working with the PO's at the above mentioned address and the neighboring property of 8802 Crown Ct. on tree root intrusion to their water lines. Talking with both PO's, this has been ongoing for quite some time and has resulted in numerous repairs at their expense. Mr. Fulker stated that he has met with Cody Jones (who I was unable to find in outlook) & Danial Priest about this matter and was referred to AW for some type of resolution. In efforts to verify AW's infrastructure stability at this address I have done some investigative work and had various test conducted to include hydro excavating the area for review (Pictures attached). What was uncovered in the photos I believe validates the PO's concerns with this tree causing issues to their infrastructure.

Prior to providing my findings to the customers, I'm reaching out to you today to see if your departments stance remains the same or, if there are alternative options to help these property owners find a resolution to this issue. Feel free to give me a call with any questions you may have.

Thank you,

Michael Alvis

Pipeline Maintenance Superintendent

City of Austin | Austin Water, Distribution System Services

512-972-1182 | [REDACTED]

URBAN FORESTER RE-ASSESSMENT OF SITUATION:

- Property owner had to seek assistance from Austin Water to have the roots near the water meter excavated.
- Excavation of the roots clearly indicated that the tree was damaging my pipes.
- After city council and Austin Water involvement, Urban Forester agreed to re-assess my situation.
- Urban Forester re-assessed the situation and provided their response.

URBAN FORESTER'S DECISION:

- Urban Forester agreed to remove the 34" tree but not the 20" tree.
- No additional documentation or explanation was given to support their decision on the 20" tree, except for the previous e-mail.
- The Urban Forester mentioned excavating the roots of the 20" tree to be certain but chose not to do so before making their decision.
- The same criteria can and should be used to justify and remove the 20" tree.

URBAN FORESTER'S CRITERIA TO REMOVE TREE

- Urban Forester stated that the cost to relocate the water main exceeds the value of the 34" tree.
- This is also true for the 20" tree.
- Both trees' roots are on my water line that has been damaged multiple times and will continue to cause damage to my pipes.
- Urban Forester inquired with Mr. Alvis at Austin Water and was told that this 20" tree will most likely continue to cause me problems.

From: Killander, Lisa

Sent: Tuesday, August 25, 2020 8:24 AM

To: Alvis, Mike <Mike.Alvis@austintexas.gov>

Cc: Morrow, Scott <Scott.Morrow@austintexas.gov>; Rotramel, Naomi <Naomi.Rotramel@austintexas.gov>; Mars, Keith <Keith.Mars@austintexas.gov>; Robinson, John <John.Robinson@austintexas.gov>; Boswell, David <David.Boswell@austintexas.gov>

Subject: RE: 13213 Villa Park Dr.

Mike,

Thank you for sharing these with me. I will doing a formal assessment on this tree on wed. Did you excavate only one of the two cottonwoods in the ROW adjacent to Mr. Fulker's property? What is your opinion regarding the other cottonwood nearby and its ability to entangle the water system and potentially damage to the waterlines? Thank you.

Lisa Killander

City of Austin
Public Works Department
Office of the City Engineer
Urban Forestry Manager
Certified Arborist TX 3735-A

Lisa asks Mike Alvis of Austin Water about the 20" tree and whether it is affecting my pipes.

Alvis, Mike <Mike.Alvis@austintexas.gov>

Oct 2, 2020, 11:14 AM



to me ▾

Morning Patrick,

I was asked if I exposed both root systems and what my thoughts were about the second (smaller) tree and the possibilities of root intrusion through past experience. I expressed that I wasn't an arborist but, it has been my experience in excavations that we find root systems generally take the path of least resistance and that trench lines for water & wastewater systems can filter and hold ground water in the bedding material. This acts as an attractant for roots systems as they seek moisture. I mentioned again that this wasn't my area of expertise as I'm not an arborist. She thanked me for my input and help with this and stated she would be making a site visit to investigate the area in question. She asked if I could leave the excavated area open for their review. I agreed and requested they notify me when their investigation was complete so I could have the excavation backfilled.

I know we discussed leaving the area exposed until work was complete. Has that happened yet? No rush, I just want to ensure it is addressed.

Michael Alvis

Pipeline Maintenance Superintendent

City of Austin | Austin Water, Distribution System Services

512-972-1182 | C: 512-879-7747

Mike Alvis replies that, in his experience, tree roots like to follow trench lines and are attracted to them. This suggests that future issues are likely.

COST TO RELOCATE WATER METER

- Michael Alvis from Austin water provided costs to relocate the water meters affected by the trees. This only reflects the cost to the City and does not include the thousands of dollars that the property owners would also have to pay for their waterlines.
- 13213 Villa Park. Dr.
- Relocate service = \$2k
- Street cut = \$6K
-
- Abandon Existing Service @ main = \$1K
- Street cut = \$6K
-
- 8802 Crown Ct.
- Relocate service = \$2K
- Street Cut - \$6K
-
- Total estimate = \$23K

**Cost to relocate just my
water meter is \$15k**

The Austin Environmental Criteria Manual – Section 3.5.4 states how to value a Tree

A standard formula of one caliper inch of replacement value is equivalent to \$200.00, or \$75 for certified affordable developments and placed into the UFRF. (NOTE: This option is not intended to facilitate the excessive removal of trees.) Trees have varying values based upon numerous tree and site conditions (see ECM [3.5.1](#)). The following mitigation rates apply for medium valued trees; however the City Arborist may raise or reduce these rates for high or low valued trees:

- greater than 19 inches diameter and located in Appendix F - 100%

$$20'' \times \$200.00 \times 100\% = \$4,000.00$$

20" Tree Value Vs Meter Replacement Costs

- The 20" tree does not appear to be affecting my neighbor's water line, but its roots are over my pipes that have sustained multiple breaks and will most likely continue to do so.
- The cost on the City to relocate just my water meter is \$15k. This exceeds the 20" tree's value of \$4k by almost 400%. The costs to the city alone warrants removal of this tree.
- This is the exact same criteria used by the Urban Forester to warrant removal of the 34" tree.
- I request that the same criteria used to warrant removal of the 34" tree simply be applied to the 20" tree as well.

I feel that I proposed a very reasonable solution to this situation by offering to pay to remove this tree and mitigating. If this tree's trunk were situated 2.5 feet to the North this option would be available to me through the normal tree permitting process. My request is in line with what the City Council wanted to give property owners the option to do. Two feet is a very trivial distance and for all intents and purposes, this tree is basically in my yard. I feel that this is the best solution for me as it resolves all the issues that this tree causes, and it costs the City nothing. I again ask you to reasonably and objectively take into consideration the issues this tree causes for me and to please reconsider allowing me to remove it. It is not clear to me why you are so immediately and adamantly opposed to my reasonable solution while offering none that resolves all the issues this tree creates.

MODIFIED OPINION REQUEST

Please Consider this request

- Remove the problematic tree at owner's expense, no expense to the City.
- Plant at least one heritage species tree in front yard at owners' expense (approximately 10ft tall oak tree or pay mitigation fee).
- The City and property owner incur no further costs for water line repairs.
- No more tree branches fall on my children.
- No more "cotton fuzz" inundating my yard or ruining my A/C unit.
- No more fire hazard from the cotton fuzz.
- No cost to the City of Austin or its taxpayers for this solution.
- This is the option that the City Council has already provided to property owners through the tree permitting process.