



MEMORANDUM

TO: Todd W. Shaw, Chair
Planning Commissioners

FROM: Keith Mars, AICP, Community Tree Preservation Division Manager
Development Services Department

Lisa Killander, Public Works Department Urban Forester
Public Works Department

DATE: July 27, 2021

CASE: Tree Permit ROW ID 12709593

REQUEST: Right-of-Way Protected Tree Removal Appeal

Overview

On May 5, 2021, the City of Austin's Environmental Commission granted a citizen's request to remove a Protected Cottonwood located in the City of Austin right-of-way adjacent to 13213 Villa Park Drive. City Code 6-3-94(A) allows a person to appeal the Environmental Commission's decision to the Planning Commission. The Planning Commission may overrule, sustain, or modify the Environmental Commission's decision.

Governing Code and Case Chronology

This case is governed by City Code of Ordinances Title 6-3 Trees and Vegetation on public property. The following is a high-level chronology of the events prior to the July 27, 2021, Planning Commission hearing.

- January 2020 – Mr. Patrick Fulker, 13213 Villa Park Drive, submitted a Tree Ordinance Review Application requesting removal of two Protected trees in the City of Austin right-of-way. The Public Works Department Urban Forestry Program assessed the trees and did not find justification for removal.
- February 2020 to September 2020- Dialogue between Mr. Patrick Fulker and City staff to further assess the tree condition and possible damage to private and City utility lines. Based on evidence that one Protected Tree was damaging utility lines, the City agreed to remove one of the two Protected Trees identified in the January 2020 request.

- September 2020- Per City Code of Ordinances Title 6-3-91 Mr. Fulker appealed the Public Works Urban Forester's determination to deny removal of the remaining Protected Cottonwood tree. Title 6-3-93 states the Board (Environmental Commission) may overrule, sustain, or modify the Urban Forester's determination.
Agenda- <http://www.austintexas.gov/edims/document.cfm?id=350288>
Appellate backup- <http://www.austintexas.gov/edims/document.cfm?id=350548>
Staff backup- <http://www.austintexas.gov/edims/document.cfm?id=350427>
- November 2020- Environmental Commission heard the appeal. Commission voted to sustain the Urban Forester's determination.
Approved Minutes- <http://www.austintexas.gov/edims/document.cfm?id=351205>
- February 2021- Mr. Patrick Fulker requested the Public Works Department reassess the Protected Cottonwood.
- March 2021- The Public Works Department Urban Forester assessed the tree and determined the condition had not changed since her last assessment in August 2020. The request for removal was denied. Mr. Patrick Fulker requested to appeal this determination to the Environmental Commission.
- May 2021- Environmental Commission heard the second appeal of the Public Works Department Urban Forester's determination.
Agenda- <http://www.austintexas.gov/edims/document.cfm?id=359200>
Staff backup- <http://www.austintexas.gov/edims/document.cfm?id=359195>
<http://www.austintexas.gov/edims/document.cfm?id=359201>
Appellate backup- <http://www.austintexas.gov/edims/document.cfm?id=359198>
<http://www.austintexas.gov/edims/document.cfm?id=359197>

Commission voted to overrule the Urban Forester's determination, but imposed conditions as part of allowing the tree to be removed.
Approved Minutes- <http://www.austintexas.gov/edims/document.cfm?id=360430>
- June 2021- Ms. Donna Hoffman requested an appeal of the Environmental Commission's determination. Title 6-3-94(A) states a person may appeal a decision of the board (Environmental Commission) to the Planning Commission. Title 6-3-94(B) states the Planning Commission may overrule, sustain, or modify the Board's (Environmental Commission) decision.

Action Required of Planning Commission for This Appeal

Per City Code of Ordinances Title 6-3-94(B) the Planning Commission may overrule, sustain or modify the Board's (Environmental Commission) decision to grant the removal of the Protected Cottonwood tree. Title 6-3-94 does not provide for further appeal to Council.

Please contact Keith Mars at 512-974-2755 or keith.mars@austintexas.gov if you have questions.

Sincerely,

Keith W. Mars

Keith W. Mars



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.

From: Donna Hoffman <

Sent: Wednesday, July 21, 2021 12:53 PM

To: Shaw, Todd - BC <BC-Todd.Shaw@austintexas.gov>; Schneider, Robert - BC <BC-Robert.Schneider@austintexas.gov>; Llanes, Carmen - BC <bc-Carmen.Llanes@austintexas.gov>; Hempel, Claire - BC <BC-Claire.Hempel@austintexas.gov>; Connolly, Joao - BC <BC-Joao.Connolly@austintexas.gov>; Howard, Patrick - BC <BC-Patrick.Howard@austintexas.gov>; Shieh, James - BC <bc-James.Shieh@austintexas.gov>; Azhar, Awais - BC <BC-Awais.Azhar@austintexas.gov>; Mushtaler, Jennifer - BC <BC-Jennifer.Mushtaler@austintexas.gov>; Praxis, Solveij - BC <BC-Solveij.Praxis@austintexas.gov>; Cox, Grayson - BC <BC-Grayson.Cox@austintexas.gov>; Flores, Yvette - BC <bc-Yvette.Flores@austintexas.gov>; Singh, Arati - BC <BC-Arati.Singh@austintexas.gov>; Guerrero, Linda.h - BC <BC-Linda.h.Guerrero@austintexas.gov>; Ramberg, Kevin - BC <BC-Kevin.Ramberg@austintexas.gov>; Bedford, Perry - BC <BC-Perry.Bedford@austintexas.gov>; Thompson, Pam - BC <bc-Pam.Thompson@austintexas.gov>; C-Audrey.Barrett@austintexas.gov; Coyne, Katie - BC <BC-Katie.Coyne@austintexas.gov>; Scott, Rachel - BC <BC-Rachel.Scott@austintexas.gov>; Bristol, Jennifer - BC <BC-Jennifer.Bristol@austintexas.gov>; Brimer, Richard - BC <BC-Richard.Brimer@austintexas.gov>; Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Kaela Champlin <kaela.champlin@gmail.com>

Subject: TP ROW ID 12709593 Save the Crown Court Cottonwoods

*** External Email - Exercise Caution ***

Hello Planning Commissioners and Environmental Commissioners.

Yesterday, Tuesday July 20th, an Austin [community residents' petition](#) - requesting you to save three majestic Crown Court Cottonwood trees - **surpassed its goal** of signers. We're delivering the petition to you today in this email. We urge you to **overturn the decision to cut down the Crown Court Cottonwoods and asking you to recommend additional examination of the trees.**

[See the petition here](#) and the text below the photo here.

The **list of signers is attached** to this email.

This is **TP ROW ID 12709593** on the **Planning Commission Agenda on July 27** at 6 PM.

On behalf of the petition signers, I request an opportunity to speak at the upcoming Planning Commission meeting.

Please let me know the time and process.

Thank you, Donna Hoffman, 512-299-5776



PETITION Text:

Fast-moving development in Austin threatens what makes this City special - **our beautiful green canopy of trees**. Our gentle giants - the oaks, pecans, cottonwoods, sycamores, cypress, and others - **keep us cool, take in carbon dioxide, and exhale oxygen for us to breathe!**

In North West Austin, **three majestic Cottonwoods** around 65 feet tall stand like welcoming friends at the top of a cul de sac where children play at Villa Park and Crown Court.

These healthy neighborhood trees, our gentle giant friends **protect the health and well-being of the families** that live in the neighborhood and love them. In the near future, a large area of land behind the children's homes is planned for development. The trees on their street should be left standing so there is some green relief from this upcoming development.

These Cottonwoods are perfectly healthy. Any decision to cut them down should be overturned. **The Environmental Commission and the Planning Commission have the power to save the Crown Court Cottonwoods.**

More examination of the Crown Court Cottonwoods would provide a **more objective analysis of their condition**. The City arborist must be empowered to contact an expert in **sonic tomography** with reasonable rates.

Removing these large cooling contributors would turn up the [urban heat island effect](#).

In 2001, Austin City Council in its wisdom created a committee called the **Heat Island Reduction** Task Force. In 2006, the City created the Tree Task Force. The resolutions and policies that came out of those committees aimed for greater tree preservation, policies that must continue to be enforced for the benefit of all of Austin's communities and to help us reach our **Austin Community Climate Plan** goals.

Along with cooling the urban heat island effect, urban trees **help stop climate change by removing carbon dioxide from the atmosphere, storing carbon in the trees and soil, and releasing oxygen into the atmosphere.** The Landscape and Human Health Laboratory of University of Illinois documents the [many benefits trees provide](#) individuals and communities every day.

Planning Commission and Environmental Commission: The many Austinites who care about and depend upon these trees for community health and well-being urge you to **overrule the decision and recommend additional examination of the trees.** Keep these gentle giants, our friends.

Please help protect the Crown Court Cottonwoods and all of Austin's vital green canopy that protect us, keep us cool, and help us breathe.

Thank you,

Donna Hoffman

donnaleehoffman@gmail.com

[512-299-5776](tel:512-299-5776)

* * * * *

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

From: Krenda Rodis

Sent: Thursday, June 3, 2021 11:29 PM

To: Rivera, Andrew <Andrew.Rivera@austintexas.gov>; Killander, Lisa <Lisa.Killander@austintexas.gov>; Mars, Keith <Keith.Mars@austintexas.gov>; Brad Bertram <>; Renee Houseman <>

Subject: Appeal of item 3a from the Environmental Commission May 5, 2021 meeting

*** External Email - Exercise Caution ***

Andrew Rivera,

As you are staff liaison to the Planning Commission, I am writing to you as a concerned resident. I would like to request an appeal of a decision of the Environmental Commission approving the removal of a protected 20 inch public tree under the provisions of City Code 6-3-

91(https://library.municode.com/tx/austin/codes/code_of_ordinances?nodeId=TIT6ENCOCO_CH6-3TRVE_ART4PUTR_DIV3APPRPE_S6-3-94APBODE). The decision was made May 5, 2021 per the 3a Patrick Fulker presentation. I have CCD Lisa Killander, Kieth Mars, as well as my neighbors, and am requesting a "STAY" on the May 5, 2021, 3a/Patrick Fulker decision until our appeal be heard. I have received copies of the votes from Kaela Champlin. They will be attached for your records, as well as a Road Risk assessment of the 20 inch tree in question located at 13213 Villa Park Road.

I am requesting the Environmental Commission decision be repealed because of the following reasons:

As a resident of Crown Court neither my family nor my neighbors were not notified of 3a being brought to the Environmental Commision board. WE ARE HORRIFIED!!! We do not have a neighborhood association and we received NO public notice from Patrick Fulker sharing with us his decision to bring this issue to the Environmental Commision. Had we known of his actions we would have DEFINITELY attended the meeting and come forward to speak.

It is important to note the board first denied Mr Fulker back in November 20, 2021.

The tree in question contributes and IS one of the defining features that creates and allows our little community to exist just as all of the other Cottonwood trees still standing.

The statements in Patrick Fulkers presentation are in my humble opinion, from a number of random internet or such searches. His presentation does not accurately describe the cul-de sac of Crown Court where we live. For example, we live in Austin Texas, not Denver Colorado, also Mr. Fulker hires his yard work to be completed. he doesn't mow nor does he get on his hands and knees and pick up the flyaways, I have only witnessed him mowing a handfull of times in the 8 years I have lived here.

Mr. Fulker took care to remove the protective screen from his air conditioning unit. . . likely to try and attract the cottonwood puffs that float around a few days a year. . .from the street his unit looks dusty but clean otherwise. I can vouch he does not clean his unit daily. Also, the picture he submitted in his official presentation to the Environmental Commision did not appear to be the same airconditioning unit connected to his house. It appears as though it is from an add or a pamphlet of some kind.

What we have going on is a resident that wants what he wants, when he wants it. He is upset he has been told no, and he doesn't care about others or the relationships he sours and destroys to get what he wants. He will throw dirt at a wall until he can find something that sticks and enables him to get what he

wants. . . but only IF YOU LET HIM. He doesn't care about the opinion of others. He angrily badmouths the position of the CITY and its KNOWLEDGEABLE ARBORISTS. Patrick and his wife have also riled and manipulated the older neighbors into an unnecessary frightened state. The neighbors through a ridiculous fear where there should be NONE. One neighbor (Vangie and Louis) was advised to hysterically call the city, worked up, say "I fear for my life because of a city tree that needs to be cut down" then hang up. . . So the words couldn't be twisted. This was witnessed. The couple have been in this neighborhood for YEARS!!! If they themselves really had an issue with the tree it would have been acknowledged long before now. It is all being coached and prompted. . . very religiously. . . its disgusting and wrong in my humble opinion.

The tree in question (along with the other cottonwoods on Crown Court have been viewed on multiple occasions by the Austin City Arborists. It is a SAFE and HEALTHY tree with a very low risk of randomly falling down, just as all other remaining Cottonwoods in our neighborhood. They cleanse the air and bring many beneficial microbes to the local environmental biome of our neighborhood. Despite having had very dramatic weather, Hot, Cold, 60-70 mile per hour storm gusts the tree remains strong and healthy, not posing a danger to the neighborhood, locals, or the families that live next to the City of Austin easement.

The cottonwoods provide local and migrating birds a place to reside as they hang around or pass through. Specifically the cottonwoods were the first to bloom after the Local SNOW-MAGEDON this February. The sparrows, local pollinators, and chickadees would not have had a food source after the freeze were it not present.

The tree adds both physical and financial value to our property. We have a fabulous park like setting in our neighborhood due to the tree which offers us a place to gather, play, watch birds, and enjoy ourselves as a community. My family and our neighbors often meet in the cul-de-sac under the cooling effect of the cottonwood for a potluck or congregate to celebrate, share stories, and allow the kids to play. This is highly important for the learning and the development of our children.

When torrential rain falls the trees soak up rain. Our cottonwood trees are a contributing factor as to why our street does not flood, saving the city of Austin and its residents hundreds of thousands of dollars on infrastructure such as gutters or another drainage system does not need to further be built out.

I would also like to note that the owners of 13213 installed Solar Panels in the year 2019. It was after that installation that the owners voiced they wish to get 100% full sun on the pannels (even though city of austin does not do this)

Multiple permits have been submitted to various City Departments seeking removal of our Crown Court Cottonwood trees. The original request was the branches were overhanging two houses- which was clearly not the case. It was then the tree roots were growing into the water pipes blocking the flow of water and poisoning them. . . . Trees don't purposely grow into pipes, they also don't poison people. I actually spoke with the team the city sent out to check the water pressure and they informed me from a water pressure perspective there was no issue it was reading true to city standards.

These trees are LOVED! I am very saddened at how this situation has affected our little cul-de-sac, but YOU CANNOT UN-CUT A TREE.

Thank you for your time,

Krenda Rodis



ENVIRONMENTAL COMMISSION MOTION 20210505 003a

Date: May 5, 2021

Subject: Appeal request from Patrick Fulker at 13213 Villa Park Drive

Motion by: Pam Thompson

Seconded by: Richard Brimer

The Environmental Commission grants the request to remove the 20 inch Cottonwood tree located within the City of Austin Right-of-Way at 13213 Villa Park Drive, Austin, Texas 78729, at the owner's expense with mitigation as determined by staff that would be satisfied either with planting at the owner's expense or fiscal payment to the Urban Forest Replenishment Fund in lieu of planting.

VOTE 6-2

For: Brimer, Thompson, Ramberg, Barrett Bixler, Bedford, and Bristol

Against: Coyne, Guerrero

Abstain: None

Recuse: None

Absent: Creel

Approved By:

A handwritten signature in black ink that reads "Linda Guerrero". The signature is written in a cursive, flowing style.

Linda Guerrero, Environmental Commission Chair



ENVIRONMENTAL COMMISSION MOTION 20201120 003c

Date: November 20, 2020

Subject: Appeal request from Patrick Fulker at 13213 Villa Park Drive

Motion by: Kevin Ramberg

Seconded by: Linda Guerrero

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant's request for the Commission to consider a request from a private property owner, Patrick Fulker to appeal the Public Works Urban Forester's denial of application for an administrative approval, as provided in City Code Section 6-3-91, to remove a 20-inch public tree located at 13213 Villa Park Drive, Austin, Texas 78729.

WHEREAS, the Environmental Commission recognizes that City of Austin Urban Forester staff have denied the request to remove the 20-inch cottonwood tree in public ROW at the above-noted address; and

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

THEREFORE, the Environmental Commission recommends sustaining the denial of the request to remove the public tree based on the following justification;

- 1) Per City staff, the 20-inch cottonwood is in good health and within public right of way; and
- 2) with the following understanding that it is not the Environmental Commission's wishes to disallow the property owner from the same right to appeal of this decision in the future if more conclusive evidence of conflicts from the 20-inch cottonwood and Mr. Fulker's waterline can be presented.

VOTE 9-0

For: Gordon, Nill, Bedford, Thompson, Smith, Guerrero, Coyne, Maceo, Ramberg


Against: None

Abstain: None

Recuse: None

Absent: Creel, Neely

Approved By:

A handwritten signature in black ink that reads "Linda Guerrero". The signature is written in a cursive style with a horizontal line extending from the end of the name.

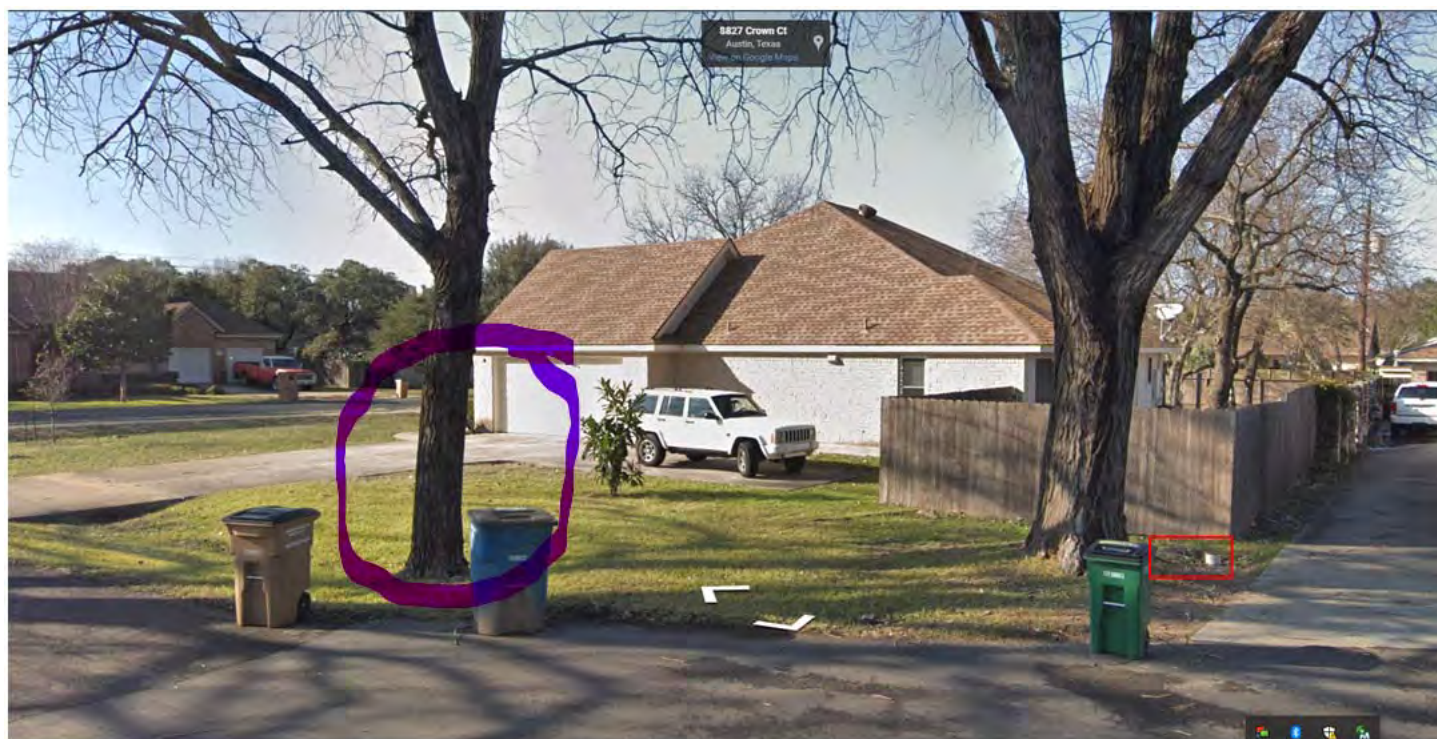
Linda Guerrero, Environmental Commission Chair

From: Killander, Lisa
Sent: Wednesday, March 17, 2021 10:50 AM
To: Patrick Fulker
Cc: Mars, Keith
Subject: RE: Request to remove 20" Cottonwood tree in ROW of 13213 Villa Park Dr
Attachments: 13213 Villa Park Road risk assessment of 20 inch tree.pdf

Mr. Fulker,

Good morning. I did an on-site assessment of the now 21" diameter cottonwood in the City of Austin right of way adjacent to your property on March 15, 2021. I made note of the tree's condition as the growing season is beginning. I observed the canopy full of catkins and noted of the number and size of the broken branches within the canopy. This tree is in very good condition and assessed to be a low risk tree. My assessment worksheet is attached so that you can see how a Tree Risk Assessment Qualified arborist systematically comes to this conclusion. This system is recognized worldwide as a means to assess a tree's risk to pedestrians, vehicles and stationary structures like houses.

I measured the distance from the water meter (red box next to drive) to the trunk of the 21" diameter tree, circled in purple, as approximately 28 feet. The invoice that you provided from your contractor made no mention of the break in the pipe resulting from a tree root. I have no photos to document your claim that a root caused the break. Hence, I cannot conclude that this tree 28 feet away is the reason for the break in the pipe next to your water meter. I am sorry for the inconvenience this leak caused but the tree will not be removed based on my findings.



Kind regards,

Lisa Killander

Program Manager Public Works Forestry
Office of the City Engineer
Certified Arborist TX 3735-A
Tree Risk Assessment Qualified
512-974-9198



From: Patrick Fulker <patrick.fulker@gmail.com>

Sent: Thursday, February 25, 2021 3:02 PM

To: Killander, Lisa <Lisa.Killander@austintexas.gov>; Mars, Keith <Keith.Mars@austintexas.gov>

Subject: Request to remove 20" Cottonwood tree in ROW of 13213 Villa Park Dr

*** External Email - Exercise Caution ***

Lisa, I am writing because I have had to incur another costly pipe repair near the roots of these trees. This pipe issue occurred after removal of the 34" tree. I am requesting administrative approval to remove this 20" cottonwood tree located in the right of way of my property. The repeated damage of my pipes is preventing reasonable use of my property and placing an undue financial burden on me. If there is a specific form or official process for me to follow then please inform me of how to proceed with this request. Thank you for your consideration and I look forward to hearing any reasonable solutions to resolve this matter.

CAUTION: This email was received at the City of Austin, from an EXTERNAL source. Please use caution when clicking links or opening attachments. If you believe this to be a malicious and/or phishing email, please forward this email to cybersecurity@austintexas.gov.

B-8
Hx2 = 28' from taps
meter



Basic Tree Risk Assessment Form

19 of 73

Client _____ Date 3/15/2021 Time 10:45 am
 Address/Tree location 13213 Villa Park Drive Tree no. _____ Sheet 1 of 2
 Tree species Cottonwood dbh 21" Height 40' Crown spread dia. 30'
 Assessor(s) Lisa Killander Time frame 2 yrs Tools used dbh tape

Target Assessment

Target number	Target description	Target zone			Occupancy rate 1 - rare 2 - occasional 3 - frequent 4 - constant	Practical to move target?	Restriction practical?
		Target within drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
	<u>Catkins present throughout canopy</u>						
1	<u>pedestrians</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>2</u>	<u>N</u>	<u>N</u>
2	<u>cars</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>2</u>	<u>N</u>	<u>N</u>
3	<u>house</u>	<u>N</u>	<u>Y</u>	<u>Y</u>	<u>4</u>	<u>N</u>	<u>N</u>
4							

Site Factors

History of failures none Topography Flat ☒ Slope ☐ % Aspect 5
 Site changes None ☐ Grade change ☐ Site clearing ☐ Changed soil hydrology ☐ Root cuts ☐ Describe _____
 Soil conditions Limited volume ☐ Saturated ☐ Shallow ☐ Compacted ☐ Pavement over roots ☒ 25 % Describe street
 Prevailing wind direction W Common weather Strong winds ☐ Ice ☐ Snow ☐ Heavy rain ☐ Describe _____

Tree Health and Species Profile

Vigor Low ☐ Normal ☒ High ☐ Foliage None (seasonal) ☒ None (dead) ☐ Normal _____ % Chlorotic _____ % Necrotic _____ %
 Pests _____ Abiotic _____
 Species failure profile Branches ☐ Trunk ☐ Roots ☐ Describe _____

Load Factors

Wind exposure Protected ☐ Partial ☒ Full ☐ Wind funneling ☐ Relative crown size Small ☐ Medium ☒ Large ☐
 Crown density Sparse ☐ Normal ☒ Dense ☐ Interior branches Few ☐ Normal ☒ Dense ☐ Vines/Mistletoe/Moss ☐ _____
 Recent or planned change in load factors _____

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown ☒ LCR 50 %
 Dead twigs/branches ☐ 5 % overall Max. dia. 2"
 Broken/Hangers Number 6 Max. dia. 8"
 Over-extended branches ☐ (2") 8" (1)
 Pruning history
 Crown cleaned ☐ Thinned ☐ Raised ☐
 Reduced ☐ Topped ☐ Lion-tailed ☐
 Flush cuts ☐ Other _____
 Main concern(s) none

Load on defect N/A ☒ Minor ☐ Moderate ☐ Significant ☐
 Likelihood of failure Improbable ☒ Possible ☐ Probable ☐ Imminent ☐

— Trunk —

Dead/Missing bark ☐ Abnormal bark texture/color ☐
 Codominant stems ☐ Included bark ☐ Cracks ☐
 Sapwood damage/decay ☐ Cankers/Galls/Burls ☐ Sap ooze ☐
 Lightning damage ☐ Heartwood decay ☐ Conks/Mushrooms ☐
 Cavity/Nest hole _____ % circ. Depth _____ Poor taper ☐
 Lean _____ ° Corrected? _____
 Response growth _____
 Main concern(s) none

Load on defect N/A ☒ Minor ☐ Moderate ☐ Significant ☐
 Likelihood of failure Improbable ☒ Possible ☐ Probable ☐ Imminent ☐

— Roots and Root Collar —

Collar buried/Not visible ☐ Depth _____ Stem girdling ☐
 Dead ☐ Decay ☐ Conks/Mushrooms ☐
 Ooze ☐ Cavity ☐ _____ % circ.
 Cracks ☐ Cut/Damaged roots ☐ Distance from trunk _____
 Root plate lifting ☐ Soil weakness ☐
 Response growth _____
 Main concern(s) none

Load on defect N/A ☒ Minor ☐ Moderate ☐ Significant ☐
 Likelihood of failure Improbable ☒ Possible ☐ Probable ☐ Imminent ☐

Risk Categorization

Condition number	Tree part	Conditions of concern	Part size	Fall distance	Target number	Target protection	Likelihood												Consequences				Risk rating of part (from Matrix 2)	
							Failure				Impact				Failure & Impact (from Matrix 1)									
							Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely	Very likely	Negligible	Minor	Significant	Severe		
1	crown	none	8" 40'		1	Y	✓				✓				✓							✓		Low
			8" 40'		2	Y	✓				✓				✓					✓				Low
			8" 40'		3	Y	✓				✓				✓					✓				Low
2	trunk	none	21" 40'		1	N	✓					✓			✓							✓		Low
			21" 40'		2	N	✓					✓			✓						✓			Low
			21" 40'		3	N	✓					✓			✓						✓			Low
3	roots, root crown	none	21" 40'		1	N	✓					✓			✓							✓		Low
			21" 40'		2	N	✓					✓			✓						✓			Low
			21" 40'		3	N	✓					✓			✓						✓			Low
4																								

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impacting Target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Notes, explanations, descriptions _____

Mitigation options Tree is low risk. No mitigation needed Residual risk _____

Residual risk _____

Residual risk _____

Residual risk _____

Overall tree risk rating Low ☒ Moderate ☐ High ☐ Extreme ☐Work priority 1 ☐ 2 ☐ 3 ☐ 4 ☐Overall residual risk Low ☐ Moderate ☐ High ☐ Extreme ☐Recommended inspection interval annualData ☒ Final ☐ Preliminary ☐ Advanced assessment needed ☒ No ☐ Yes-Type/Reason _____Inspection limitations ☒ None ☐ Visibility ☐ Access ☐ Vines ☐ Root collar buried Describe _____

Appeal Regarding the Urban Forester's decision on the removal of a Cottonwood tree

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

INTENDED PURPOSE OF APPEAL:

- To communicate and demonstrate the serious issues that these trees cause to the City and property owners of Crown Ct.
- To demonstrate that removal of this tree is necessary and warranted.
- To seek a modified opinion on the removal of this 20" Cottonwood tree.

SUBJECT TREE & LOCATION – Crown Ct, Austin TX



Background Information on Cottonwood Trees

- It is well documented that cottonwood trees are hazardous trees that are prone to rot from the inside out, with no visible signs of this decay on the outside of the tree. Trunk analysis is necessary to determine the extent of decay.
- Their roots are known to damage pipes and other infrastructure.
- Their “cotton fuzz” seeds are a serious fire hazard and nuisance for municipalities and property owners.
- Hundreds, if not thousands, of municipalities in the US have banned these trees for the above reasons.

“The Dirt Doctor” Article on Cottonwood Trees:

- The author, Howard Garret is:
- Nationally syndicated Organic Gardening talk show host
- Arborist and specialist in natural organic tree care
- Columnist for the Dallas Morning News
- Author of 15 books on organic gardening, landscaping and pest control
- Chairman of Texas Organic Research Center (TORC)
- Organic Advisory Board Texas Department of Agriculture
- https://www.dirtdoctor.com/garden/Cottonwood_vq924.htm

The Dirt Doctor – Cottonwood Trees

- **FINAL SPACING:** Do not plant
- **IDENTIFICATION INFORMATION:** Cottonwood is a very fast growing, upright messy tree. It sends out cotton all over the place in the spring, has brittle wood and it has large limbs. Its root system is extremely shallow, ravenous and destructive. It normally will have quite a bit of dead wood in the tree.
- **PROBLEMS:** Cottonwood is short lived, has a destructive root system and the cottony seed from the female plant is a nuisance and damaging to electrical appliances. Stressed trees are commonly attacked by borers. The root system is susceptible to cotton root rot and other root diseases. This is a dangerous tree because large limbs or the entire tree can fall on cars, structures and even people. This is one tree that should be removed from most residential property.

Southern Living Article on Cottonwoods:

- **6 Trees You Should Never, Ever Plant**
- **Terrible Tree #4 -- Eastern Cottonwood (*Populus deltoides*)**
- What's wrong with it: Extremely messy, very weedy, breaks up in storms, short-lived, very prone to insects and diseases, roots crack pavement and invade water lines.
- Comment: As with hackberry, most people saddled with this garbage tree live with it because no other trees will grow there. I can't think of a messier tree. In addition to the sticks, twigs, broken branches, and leaves that shower down almost every day, it also blankets the yard around it in early summer with cottony seeds -- hence, the name "cottonwood." The cotton rolls up into lumpy pillows of foam that roll across the ground and pile up against houses, walls, and fences. The only good use for this nasty tree is as firewood. Burn one today!
- <https://www.southernliving.com/garden/grumpy-gardener/6-trees-you-should-never-ever-plant>

Trees That Can Be Planted Over Water Pipes

By Angela Ryczkowski Updated December 14, 2018

- Trees are usually prized elements in a landscape, but a sprawling root system may sometimes pose a threat to sidewalks, buried utilities and other features, including water pipes. Most sound pipes are able to withstand some amount of contact with tree roots. However, roots may penetrate or damage water pipes when the pipes are perforated drain pipes or are old, or the tree has a particularly strong, aggressive root system. Choosing a suitable tree species or cultivar and preparing the site well helps to protect water pipes.

- *Trees to Avoid*

- Certain trees should never be planted near water lines, as they are often fast-growing with particularly aggressive roots. Many species in the Acer (maple) genus, Populus species, ashes, sycamore, several oaks, willows, basswood, tuliptree, elms, birches, mulberry, figs, large eucalyptus and beeches are unsuitable for planting near water pipes and other underground or surface structures.

- **Cottonwood Trees are in the Populus species**

- <https://homeguides.sfgate.com/trees-can-planted-over-water-pipes-28358.html>

Zillow Article on Cottonwood Trees: Don't Plant These Trees in Your Urban Yard

By Mary Boone on 8 May 2013

While it's true that many trees can add beauty, privacy and shade to your property, others have the potential to wreak havoc thanks to invasive root systems, prickly thorns, messy fruit or weak branches. Choosing the best tree for your urban backyard is a tough decision. Make a bad choice, and remorse will be yours for years to come.

- When you're thinking about the perfect tree for your urban lawn, here are a few that you probably should avoid:
- **Cottonwood (Populus)**
- These trees are generally so weak and unstable that even mild storms can cause branch failures. While the trees' invasive root systems and branch shedding habits can be beneficial in rural and forested settings, they're not a great choice in urban areas. Their size is often overwhelming, they give off a urine-like scent, and their fast-spreading root systems can crack foundations and sidewalks. Cottonwood trees have been banned from planting within many U.S. neighborhoods and cities because the "cotton" from them clogs filters and is generally untidy.
- <https://www.zillow.com/blog/dont-plant-these-trees-in-your-urban-yard-118479/>

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/>

Are Cottonwood Trees Illegal to Plant In Denver?

by [Jon Cook](#) / October 1, 2018 / [Tree Maintenance](#)

This may surprise you, but cottonwoods have been outlawed in much of the Denver metro area for the greater part of the past ten years. So, why is it illegal to plant cottonwoods in Denver? Because they are a massive and invasive tree species, and they have a habit of wanting to share your living space and even your utilities.

Cottonwoods are part of the populus tree species, the same species family as aspens. If you're familiar at all with aspens, then you know that an entire mountainside of aspens may, in fact, be only one tree that branched out, sprouted up, and continued growing. It's because aspens and cottonwoods are highly invasive in their surrounding areas. While some trees have a taproot (one main root that grows straight down), cottonwoods and aspens grow a wide range of roots that have a voracious appetite for water.

This all sounds well and good until someone plants a cottonwood tree in a front yard less than 20 feet away from the main water supply. Within a matter of years, a normal cottonwood will quickly find and break into the water supply ductwork. This means massive cleanup on the behalf of the homeowner, not to mention the financial cost of repairs and the hassle of a messy front yard.

And, it can get worse, because it's not just incoming water sources that cottonwoods love. They search for any 'liquid', water-type source, so your outgoing sewer line is often just as easily the victim of thirsty cottonwoods. That's when you end up in deep 'stuff', as well as having the same type of problem as before but with a horrible smell.

Cottonwoods also have incredibly strong root systems, which serves them well for longevity and poses another threat to homeowners. Cottonwoods planted too close to structures, namely basement walls and garage foundations, will break through the concrete walls over time. You may love having a big basement, but no basement is meant to have a cottonwood as a live-in guest.

This is why cottonwood trees are largely illegal to plant in the Denver metro area. Homeowners, HOAs, city officials, and repair crews are tired of cleaning up after cottonwoods. However, if you have a significant amount of property, you may still consider planting a cottonwood. We highly recommend checking with your local forestry service, HOA, and/or city authorities to see if cottonwoods are permissible for new plants.

<https://fieldingtreeandshrubcare.com/homeowners-guide-taking-care-cottonwood-trees-denver/>

Municipalities identified that have banned Cottonwood Trees: (Not an exhaustive list)

- **Madison, WI**
- **Denver, CO**
- **Windsor, CO**
- **Lone Tree, CO**
- **Oklahoma City, OK**
- **Winnemucca, NV**
- **Albuquerque, NM**
- **Beloit, WI**
- **Franklin, WI**
- **Mukwonago, WI**
- **Reno, NV - ROW banned**
- **Clinton, IA - ROW banned**

Municipalities that have banned Cottonwood Trees (Cont'd):

- **Madison, WI - Madison ordinance number 23.27:** "Cotton bearing poplar trees restricted. No person shall sell or plant any female cotton bearing tree of the poplar family commonly called the Eastern Cottonwood, *Populus deltoides*, and the White Poplar, *Populus alba*, within the boundaries of the City of Madison."
- **Windsor, CO - Charter and Municipal Code, Chapter 7 - Health, Sanitation and Animals, Article IV - Trees, Section 7-4-10. - Cotton-bearing cottonwood trees.**
 - (a) It shall be unlawful for any person to sell, plant, transplant, keep or maintain any cotton-bearing cottonwood trees in the Town.
 - (c) For purposes of the enforcement of the ordinance codified herein, the Town declares cotton-bearing cottonwood trees to be a nuisance and subject to the provisions of this Code with regard to the abatement of nuisances.

Municipalities that have banned Cottonwood Trees (Cont'd):

- **Oklahoma City, OK - ordinance chapter 53 - Trees & Shrubs, 53-5 - Certain Trees Prohibited** "No person shall plant or permit the planting of black locust, seed-bearing female cottonwood, or any other tree condemned by the Director of Parks and Recreation for the purpose of protecting the public health or to prevent destruction of other plants by spread of disease. The male non-seed-bearing cottonwood tree is specifically excepted from the provisions of this section. The Director shall prepare a list of condemned trees and file it with the City Clerk. "

Texas Municipalities that have exempted Cottonwood Trees from protection:

- **Coppell** - means any living tree species, six inches DBH or larger, which is not on the "unprotected tree list" that shall be subject to the preservation, protection, and replanting requirements of article 34, division 2.
- **Duncanville** - any tree having a caliper of six inches or more that is not one of the following: mesquite, bois d'arc, thorny honey locust, hackberry, cottonwood, cedar, china-berry (common), native black willow, and native red/white mulberry.

Texas Municipalities that have exempted Cottonwood Trees from protection:

- **Frisco** - trees that meet one of the following requirements and determined to be healthy by the Director of Planning or his/her designee: Any tree eight (8") inches or larger in diameter when measured at a point four and one-half feet (4' 6") above the ground level and which normally attains a height of at least twelve (12') feet at maturity, and located within the Protected Area; A tree(s) 20.1 caliper inches and larger; A Stand of Trees. The following trees shall not be included in the above definition of Protected Trees: Silver Leaf Maple, Sugarberry, Honey Locust, Bois d' Arc, Mimosa, Mulberry, White Poplar, Cottonwood, Mesquite, and Willow.

Texas Municipalities that have exempted Cottonwood Trees from protection:

- **Helotes** - trees having a nominal caliper of 12 inches or, if branched below four and one-half feet, measured at the narrowest trunk segment between the lowest branch and the natural grade. All species of woody plants attaining a mature height over 15 feet and meeting the nominal caliper of 12 inches requirement are "mature trees" for the purposes of this article, except those listed immediately hereafter as not protected. The following genus or species are not protected: Ash juniper, Cottonwood, Sycamore, Hackberry, Mulberry, Chinaberry, Boxelder, Chinese Tallow, Mesquite, and Huisache.

Texas Municipalities that have exempted Cottonwood Trees from protection:

- **Rowlett** - means a tree the trunk of which has a DBH of eight inches (approximate 25-inch circumference), **that is not one of the following trees:** Tree of Heaven, Mimosa or Silk tree, Sugarberry, Horse apple/Bois D'Arc, Chinaberry, Black Willow, Chinese Tallow, Siberian Elm, **Cotton Wood**, Hackberry (11-inch DBH or smaller), Lotus (Buckthorn Family).
- Many other Texas municipalities have tree protection ordinances that have lists of “protected” species or lists of “unprotected” species. Cottonwoods are typically not protected due to the issues they cause and their lack of desirability.

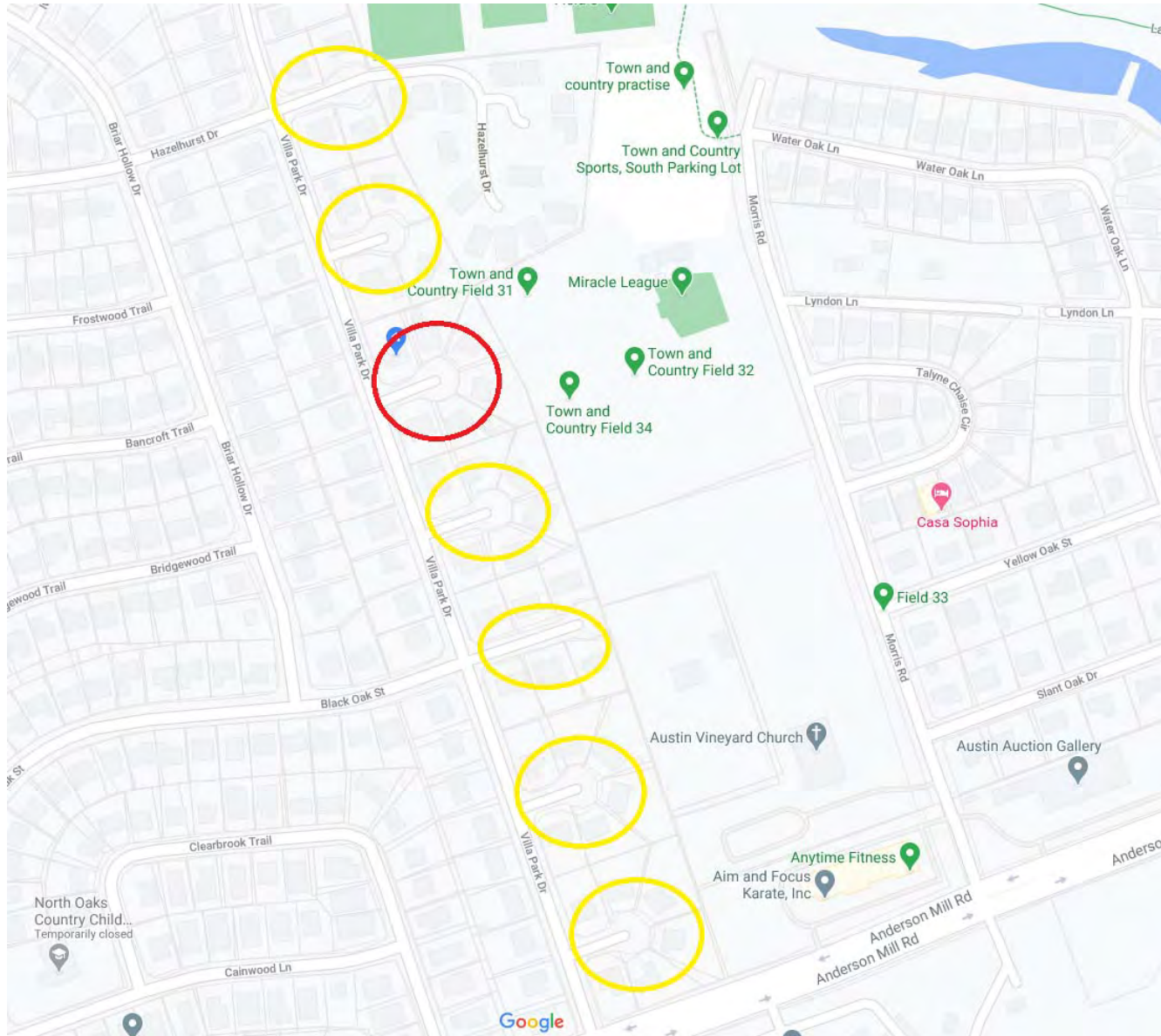
FACTS related to Cottonwood Trees:

- Fast-growing, brittle wood, prone to rot and decay. Entire trees and large branches are prone to fall.
- Aggressive roots destroy City water mains and property owners' water pipes.
- Cotton Fuzz – excessive amounts of fuzz are produced and blanket adjacent properties. The fuzz is an extreme fire hazard, clogs A/C units, and is otherwise a general nuisance that prevents the reasonable use of property.
- The City of Austin and adjacent property owners in Crown Ct have all of these problems with the subject trees.

DAMAGE TO PIPES:

- Michael Alvis, from Austin Water, provided repair details for water main repairs from 2000-2020. The City of Austin incurred over \$61,000 in water main repairs in the last 20 years due to these trees.
- The work order dates indicate that at least 8 repairs have been done in the last 20 years.
- Urban Forester has been provided this data directly from Mr. Alvis.

21



6 other Cul-De-Sacs on same Street

- None of the 6 other Cul-de-Sacs have incurred any water main repairs in 20 years. - \$0.00
- All Cul-de-sacs have identical infrastructure and age as Crown Ct's infrastructure.
- Crown Ct is the only Cul-de-sac with 4 large Cottonwood trees in the Right-of-Way within a few feet of the water main.
- Cottonwood trees are known to damage pipes

20" Cottonwood Tree and Water Main

- Base of tree is within inches of the street pavement.
- Street cuts from water main repairs are at the tree.
- Street cuts directly adjacent to this tree indicate that this tree is at least responsible for some of the damage to the water mains.



**Street cuts at
base of tree**

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

- Property owner provided repair invoices and pictures of pipe damage caused by these trees and their roots
- Large roots from both trees are on my water line. Both have caused damage to my pipes.
- Urban Forester was immediately dismissive of these facts.
- Made decisions and assertions without ever visiting or inspecting the situation.
- Made false statements about tree roots and water pipes.
- Refused to assist me with my problems.

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.

Killander, Lisa <Lisa.Killander@austintexas.gov>

Fri, May 22, 3:29 PM



to me ▾

Patrick,

Cutting the roots would cause decay to migrate into other parts of the root system and ultimately cause the tree to become structurally unsound and a risk to your home and pedestrians. In other words the tree could fail at the base and fall onto your house , neighbors drive, or impact the safety of the right of way.

Cottonwoods are prone to decay when wounds are created.

...

Lisa states that I am not even allowed to cut the roots that are damaging my pipes. Please note her statement that cottonwood trees are prone to decay when the roots are cut.

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

- Urban Forester refuses to acknowledge issues with pipes.
- Urban Forester states that I am not allowed to cut the roots damaging my pipes
- Urban Forester refuses to acknowledge my request to appeal her decision.
- What rights do property owners have in this process?



34" Tree – roots visibly bending water valves on the surface. Urban Forester refused to acknowledge this fact.



Root was excavated
by Austin Water –
Roots are clearly
destroying pipes.







**Large root from 20''
Cottonwood tree over
my water main. Has
previously caused
damage to my pipes.
Yellow line indicates
approximate location of
water line.**

City Council Intervention

- Property owner had to seek assistance from Austin Water, the City Council, and City legal department.
- Urban Forester refused to acknowledge my request for an appeal.
- After city council involvement, Urban Forester reluctantly agreed to re-assess my situation.

From: Killander, Lisa
Sent: Tuesday, September 1, 2020 5:20 PM
To: Mars, Keith
Cc: Robinson, John; Kistner, Shane; Jones, Michael; McMillan, Scott
Subject: Cottonwood at 13213 Villa Park Drive
Attachments: Cottonwood at 13213 Villa Park drive.jpg; Cottonwood root and waterline view.jpg

Mr. Mars,

Public Works Forestry has reviewed the latest information regarding the citizen's request to remove a 34" diameter Cottonwood at 13213 Villa Park Road. This tree poses no risk to pedestrians or vehicles but after the root zone was water excavated by Austin Water staff at the request of the resident it was obvious the extent to which the support roots of this cottonwood are impacting and will continue to impact the water lines to this address as well as the adjacent home whose tap is located in the same place. Please see pictures attached. Austin Water's Pipeline Maintenance Superintendent, Mile Alvis provided Forestry staff with the cost to relocate the two taps being impacted. Given this cost or costs of future water line/tap repairs it has been decided that these costs to the City exceed the benefits that this tree provides to a few homes within this cul-de-sac.

Hence this large cottonwood will be remove by Public Works Forestry as scheduling allows. The removal of the smaller cottonwood located on this property cannot be justified using the same criteria used for the larger cottonwood and hence it's removal will not take place at this time. I want to thank Mr. Fulker for his efforts in helping the City understand more clearly the issues with this particular cottonwood that unfortunately developed near the taps for two houses.

Criteria Warranting Removal of the trees.

- Urban Forrester agreed to remove the 34" tree but not the 20" tree.
- No documentation or explanation given to support their decision, except for one vague e-mail.
- The same criteria can and should be used to justify and remove the 20" tree.
- Two arborists, Lisa Killander and John Robinson, inspected the trees and were on-site for about an hour. Almost no information was documented, and no risk assessment was recorded.
- The Urban Forester has no listed criteria for what warrants removal and does not document their work or justify their decisions in any way.

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 have caused damage and will continue to cause damage to my pipes.
- Lisa inquired with Mr. Alvis at Austin Water and was told that this 20" tree will most likely continue to cause me problems. Apparently, this wasn't persuasive to the Urban Forester's decision.

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 affecting my pipes. A "formal inspection" will be conducted. Where is the report or documentation for this assessment?

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 he feels the tree will continue to affect my waterline

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

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 Costs

- The 20" tree does not appear to be affecting my neighbor's water-line but its roots have damaged my pipes and will continue to do so.
- The cost on the City to relocate just my water main is \$15k. This exceeds the tree's value of \$4k by more than 300%. 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 be applied to all trees and not just one.

No Documentation for Inspection

- When I asked for copies of the “formal” inspection documentation, I was provided a blank ISA tree risk assessment form and a scan of a small sheet of note paper
- Two arborists, Lisa Killander and John Robinson, from the City of Austin were onsite for about an hour. A decision was made not remove the 20” tree and no documentation exists showing how they arrived at their conclusions.
- When I asked about the risk assessment forms completed for the subject trees, I was told none were completed.

ALL DOCUMENTS FROM THE INSPECTION

Decay at root crown ~~15%~~ 20%

~~42"~~ 34"

Moderate density

leaves healthy

borers / carpenter ants

no fruiting bodies

15% small branch failure

This is the only documentation created from the visit. There is no risk assessment being performed here. Please note the presence of carpenter ants.

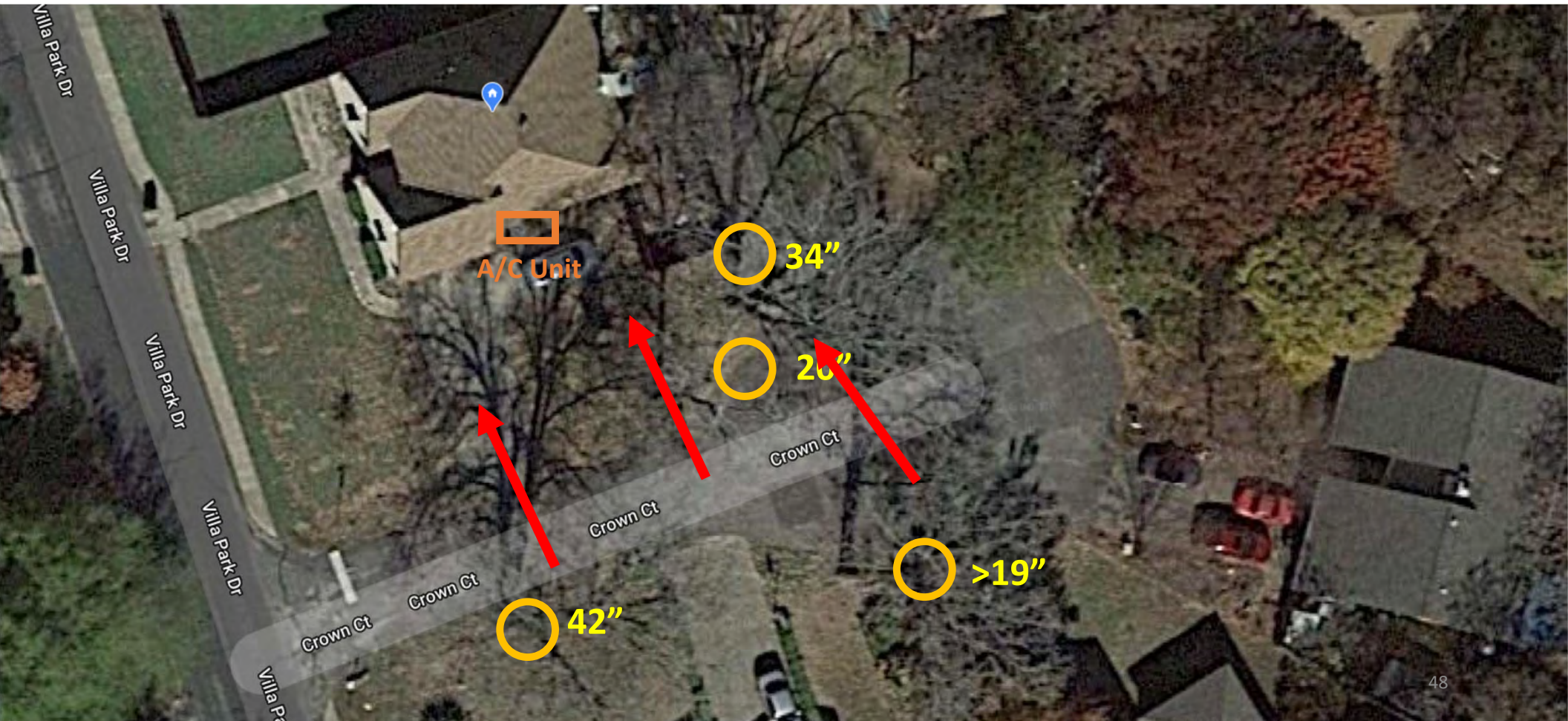
PROBLEMS RELATED TO “COTTON FUZZ”

- There are 4 large female cottonwood trees in Crown Ct.
- These trees produce prolific amounts of seeds (“Cotton Fuzz”) from mid-March to mid-July (over 4 months).
- The fuzz inundates the adjacent properties clogging A/C units and creating a serious fire hazard.
- 30-45min of cleaning daily (for 4 months) is necessary just to keep my breaker box and A/C unit cleaned.
- Cleaning this fuzz from my entire $\frac{1}{4}$ acre lot is impractical and would require several hours each day to maintain.

WIND DIRECTION IN AUSTIN, TX

- The predominant average hourly wind direction at Austin-Bergstrom International Airport varies throughout the year.
- The wind is most often from the *south* for *10 months*, from *February 3* to *December 8*, with a peak percentage of *77%* on *July 13*.
- The Wind in Austin is predominantly from the south when the Fuzz is present. These trees are all south of my property.
- The wind deposits a lot of this fuzz onto my property and clogs my A/C unit daily.

WIND DIRECTION





CLOGGED A/C UNIT FROM “COTTON FUZZ”

I have been informed by my A/C company that if my compressor fails due to this “fuzz” they cannot replace it under warranty.

THE FUZZ IS A SERIOUS FIRE HAZARD

Please see the linked videos for information on the serious fire hazard these trees present for property owners:

Please note the amount of fuzz in the air and on the ground

<https://www.coloradoan.com/story/news/2016/06/23/fluffy-gasoline-raises-fort-collins-fire-concerns/86281998/>

<https://www.youtube.com/watch?v=bIHvPxQF1Ng>

<https://www.youtube.com/watch?v=UXsVTIQW57k>

SUMMARY OF TREE ISSUES:

- Roots from trees have damaged city infrastructure exceeding \$61,000 in repairs. Future damage is also likely.
- Roots of the 20" tree have damaged my pipes and will continue to do so.
- The cost to relocate the pipes is high and exceeds the value of the trees, thus warranting removal.
- The fuzz from all trees is excessive, a nuisance, clogs appliances, and is a serious fire hazard.
- Unfortunately, the only cost-effective way to alleviate all of these problems is to remove the trees.

CHANGE TO THE CURRENT PROCESS

- The urban forester currently has no written processes or procedures that they follow when assessing trees for removal.
- They do not document most of their work, including tree risk assessments, which require collecting and analyzing data and applying equations to that data.
- When decisions are reached, no effort is made to explain or justify those decisions. No transparency exists for property owners.
- There are no stated criteria listed for what warrants removal.
- Property owner's have zero rights in this process.
- Using approved, objective procedures that are well documented is the best way to ensure that a fair and transparent process is being performed.
- A nuisance tree list should be considered to identify trees that cause excessive damage and hazards to public and private infrastructure.
- More oversight is necessary over the Urban Foresters and their activities.
- I have been told I am the first person to ever request an appeal to a tree removal decision under City Ordinance 6-3. No process existed and one has been created to address this situation. I have been provided almost no information on how this appeal process works.

THANK YOU!

- I would like to thank the Environmental Commission for their time and consideration with this matter.
- I like trees and do not take their removal lightly. I feel there is no other cost-effective way to mitigate the multitude of problems these trees cause.
- Please understand that I put a lot of time and effort into communicating my situation and having these serious issues addressed. I would not have done so if these issues were not real or serious concerns for me.
- If the commission disagrees with removal of the tree, would it please provide reasons for this position. Could the commission also explain how it feels these issues could be resolved going forward without tree removal?
- Please consider more oversight of the Urban Forestry department and the tree removal process – to include nuisance tree lists, recognition of unnecessary costs to the city, and rights & remedies for property owners.