

Memorandum



CITY OF DALLAS

DATE October 7, 2022

TO Honorable Mayor and Members of the City Council

SUBJECT **Code Amendment to Article X for Management of the Emerald Ash Borer**

On October 26, 2022, the City Council will be considering amendments to Article X - Landscape and Tree Conservation Regulations for management of the Emerald Ash Borer (EAB). EAB (*Agrilus planipennis*) is a destructive, non-native, wood-boring pest of ash trees (*Fraxinus* spp.), declared present in Dallas County by the Texas Department of Agriculture (TDA). To respond, the City implemented the EAB Action Plan which outlines various internal and external activities to mitigate EAB. EAB will continue to pose a threat to our urban forest canopy for the foreseeable future, ten years or longer. Therefore, it is imperative that the City continues to work on all fronts to slow its progression.

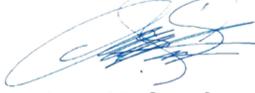
Fundamental to mitigation efforts on public and private property, the Forestry Technical Team identified amendments to Article X. These recommended amendments were reviewed and discussed at the June and August Environment & Sustainability City Council Committee (ENVS) meetings. Guided by the ENVS Committee and partners' feedback, the Forestry Technical Team is proposing amendments to Article X, which include proactive and reactive actions that will slow the spread and diversify the urban canopy as well as provide replacement trees for private property should a property owner experience the loss of an ash tree under the TDA declared infestation.

The Zoning Ordinance Advisory Committee (ZOAC) recommended the amendments on August 30, 2022 and the City Plan Commission (CPC) recommended approval on September 15, 2022. There were no public speakers in opposition to the amendment, and the only questions centered around how to identify an ash tree and who to contact for private property assessment. To clarify, the amendment for consideration on the October 26, 2022 meeting includes the following:

- Modify definition of Class 3 tree and Unprotected tree to remove Arizona ash (*Fraxinus velutina*) from Class 3 to Unprotected (Section 51A-10.101)
- Include acceptable plant materials to prohibit nursery stock ash trees from required landscaping and City property to allow for control of regulated landscaping and City tree species (Section 51A-10.103)
- Amend Reforestation Fund definition of "natural deforestation event" to include invasive insect under TDA determination to allow for providing trees to damaged private property (Section 51A-10.135)
- Include the provision of defense to prosecution for vulnerable or threatened tree species as determined by the TDA to allow for removal of protected ash prior to infestation, as needed (Section 51A-0-140)

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Please contact Assistant City Manager Carl Simpson at carl.simpson@dallas.gov or 214-670-1204 if you have any questions.



Majed A. Al-Ghafry, P.E.
Assistant City Manager

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| T.C. Broadnax, City Manager | M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager |
| Chris Caso, City Attorney | Dr. Robert Perez, Assistant City Manager |
| Mark Swann, City Auditor | Carl Simpson, Assistant City Manager |
| Biliera Johnson, City Secretary | Jack Ireland, Chief Financial Officer |
| Preston Robinson, Administrative Judge | Genesis D. Gavino, Chief of Staff to the City Manager |
| Kimberly Bizer Tolbert, Deputy City Manager | Directors and Assistant Directors |
| Jon Fortune, Deputy City Manager | |