



## Sacramento Tree Ordinance Stakeholder Advisory Committee Meeting #3 Summary

Thursday, March 6, 3 p.m. - 5 p.m.  
City of Sacramento  
300 Richards Blvd., Sacramento, Calif.

### **Meeting Attendees**

Project team members in attendance included:

- Joe Benassini, City of Sacramento
- Deanna Hickman, City of Sacramento
- Amy Lapin, EPS
- Gene Endicott, Endicott Communications

Approximately 25 stakeholder organization representatives and/or community members attended the meeting.

### **Meeting Goal**

Solicit feedback on major issues to be resolved in updated and consolidated tree ordinance.

Gene Endicott provided an overview of the meeting agenda and facilitated Stakeholder Advisory Committee (SAC) and project team self-introductions.



### **Review of SAC Meeting #2 and City Working Group Meeting #2**

Mr. Endicott briefly reviewed results from SAC meeting #2 held on Jan. 28, and City Working Group Meeting #2, both of which were focused on issues related to City responsibilities for planting, maintenance and removal; non-development private property removal; and development-related preservation and removal.

### **Priority Issues Overview**

Joe Benassini provided an overview of proposed policies to be reflected in an updated ordinance, related to:

1. Protected trees (heritage trees and other regulated trees)
2. Noticing, appeals and Urban Forestry Advisory Board concept
3. Performance standards for tree care professionals

### ***Protected trees (heritage trees and other regulated trees)***

The project team proposed the following:

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- Strengthen, expand and more clearly define protected trees (other than Street Trees)
- Create two classes of protected trees:
  1. “Legacy”
    - Special, unique, iconic, historic, or otherwise unusual; can be titled “Heritage, Legacy, Ancestral, Landmark, Veteran, etc.”
    - Highly recognizable, map with descriptions and locations, plaque or memorial
  2. Other “Significant” Regulated Trees
    - Defined by specific characteristics (e.g., size, species)
    - Subject to review under development application or permit request



Special trees or trees of historical significance:

- Consider nomination process by citizens
- Designation of such trees by Historic Preservation Commission/City Council
- Coupled with educational component

Other Regulated Trees:

- Clearly define sizes, height of measurement, multi-stem conditions, other required definitions
- Posting, noticing process similar to other permit applications
- Maintenance only permitted by certified arborist/licensed tree care professionals

Stakeholder feedback on these issues included the following comments:

- Some stakeholders requested clarification regarding whether the proposed concepts would result in greater or fewer regulated trees. (Project team response: The proposed concepts would expand the number of regulated trees.)
- Some stakeholders questioned whether trees on private property would be regulated. (Project team response: From a time and budget perspective, it’s difficult, if not impossible, for the City to conduct a survey of all “trees of significance” on private property. Under the revised ordinance proposal, certain trees would be regulated, but the City would have to rely on when and if the site were to be developed, an arborist report, and a follow-up survey by the City as part of that process. Under an owner-occupant scenario, the City would rely on whether the property owner inquires about any permit requirements. Outreach would be required.)
- The City should clearly define in the ordinance the different types of protected trees, including: size; species; nesting patterns; nesting of any endangered species.
- The City should not drop 100” circumference from a protected category of trees. The City should add other criteria for significance and protection.
- The City should include the intent to protect the tree canopy as well as specific categories of trees.

***Noticing, appeals and Urban Forestry Advisory Board concept***

The project team proposed the following:

### **Noticing (no development)**

- Remains mostly consistent with current practice
- Street trees
  - City Action (removal): Notification to property owner, City posts on tree for 10 days (unless judged as critical to safety)
  - Private Party (under a permit, no development, routine maintenance/removal): If approved, City posts on tree for 10 days
- Posting : all Trees  $\geq$  24 inches DBH posted on two sides for visibility, notice format to be standardized

### **Noticing (development)**

- Remains mostly consistent with current practice
  - Street trees:
    - City posts tree for 10 days, notices mailed to property owners within 300 ft. radius, City posts on Urban Forestry web page
  - Protected private trees (legacy and “significant”)
    - Permit only required if “Protected Tree” is involved
    - City posts tree/property for 10 days, notices mailed to property owners within 300 ft. radius (even if outside City limits), City posts on Urban Forestry web page
    - Legacy trees may be treated differently if designated by Historic Preservation Commission

### **Appeals (no development)**

- City Trees
  - Heard by Advisory Board (new)
  - Appeals limited to property owner and property owners within 300 feet of subject property (even if outside City limits)
- Protected trees
  - Heard by Advisory Board
  - “Legacy” Trees may be treated differently if designated by the Historic Preservation Commission
  - Appeals may be from any City resident or any property owner who owns property within 300 feet of the property (even if outside City limits)

### **Appeals (development)**

- City Trees
  - Heard by approving body
  - Appeals limited to property owner and property owners within 300 feet of subject property (even if outside City limits)
- Protected trees
  - Heard by approving body
  - Appeals may be from any City resident or any property owner who owns property within 300 feet of the property (even if outside City limits)

### **Urban Forestry Board**

- Role and composition of Advisory Board to be outlined in ordinance
- Primary functions could include:
  - Regulatory – appeals hearing (shift from Parks and Recreation Commission)
  - Outreach and education

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- Input towards policies, practices and procedures
- Research/Special Topics
- Master Plan input/overview

Stakeholder feedback on these issues included the following comments:

**Noticing**

- The City should standardize the content included on notices, including: noticing period and dates; the ability to appeal; the procedure for appealing,
- The City should post notice on both the automobile and pedestrian sides of the tree.
- Stakeholders agreed that notices should be posted to the Urban Forestry web page, indicating the location and other relevant information pertaining to the tree. In addition, the City should employ a subscriber-list option for noticing interested parties of tree removals.
- Stakeholders indicated a preference for a longer noticing period than the current and proposed 10-day period. Some stakeholders suggested a 30-day period while others suggested a period between 10 and 30 days may be adequate.
- For development projects, noticing should be posted early in the entitlement process, rather than after project approval.

**Appeals**

- Some stakeholders suggested all City of Sacramento residents should be granted the right to appeal, rather than limit the right to appeal to property owners within a 300-foot radius of the subject tree.



**Urban Forestry Advisory Board Concept**

- Stakeholders indicated support for the creation of a new Urban Forestry Advisory Board and inclusion in the ordinance, but questioned how board functions would be addressed during the period between ordinance approval and board formation.
- Stakeholders questioned how the board composition and membership would be determined (Project Team response: Board composition would likely be vetted through the Parks and Recreation Commission, and membership would be determined in the same manner as other boards and commissions in the City.)
- Some stakeholders indicated that developer interests should not be included on the proposed board, while other stakeholders indicated that a developer representative should not be expressly excluded.

***Performance standards for tree care professionals***

The project team proposed the following:

- Performance standards apply to tree care professionals maintaining City Trees (excludes trees on private-property, unless “protected tree” is involved)
- Define in ordinance: Arborist
- Alternative: Require that private tree care professionals utilize (as an employee or as a subcontractor) a certified arborist for work on any City Tree.

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Stakeholder feedback on these issues included the following comments:

- Stakeholders indicated that performance standards for tree care professional are integral.
- The City should consider applying these standards to the Sacramento Municipal Utilities District (SMUD).
- The City should not allow tree care professionals to top trees. One stakeholder indicated a case study example of a City Tree ordinance addressing this issue on a citywide basis.
- The City should determine how to enforce substandard performance.

**Wrap Up and Next Steps**

Amy Lapin reviewed the project team's approach to development of the Tree Ordinance Report that will be shaped by the SAC, and reported that upcoming SAC and CWG meetings are scheduled as follows:

- CWG Meeting #3, March 13
- SAC Meeting #4, April 17 (3 p.m. to 5 p.m., Sacramento Food Bank, 3333 3<sup>rd</sup> Ave., Sacramento)
- CWG Meeting #4, May 22

Ms. Lapin also indicated that at the request of some SAC members, the project team is adding a fifth SAC meeting focused on review of proposed ordinance language. That meeting is tentatively scheduled for April 25.

Ms. Lapin also reported that the proposed updated ordinance would be reviewed and acted upon as follows by City commissions and the City Council, with the Parks and Recreation and Planning Commission dates subject to change based on potential arena-related discussions.

- Parks and Recreation Commission, April 3
- Planning Commission, April 10
- Historic Preservation Commission, April 16
- Draft Ordinance Review Committee: review process in April and May 2014
- Law and Legislation Committee, June 3
- City Council, July 22

The meeting adjourned at 5 p.m.