TOWN OF LOOMIS

AGENDA
ACTION MINUTES
LOOMIS TOWN COUNCIL SPECIAL MEETING
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650
www.loomis.ca.gov

TUESDAY	APRIL 22, 2014	7:00 P.M.

CALL TO ORDER

Call to order by Mayor Wheeler at 7 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:
Mayor Dave Wheeler
Councilmember Robert Black
Councilmember Sandra Calvert
Councilmember Rhonda Morillas
Councilmember Miguel Ucovich
Absent: None

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker may be limited to five minutes or less**, at the discretion of the Mayor.

There was no public comment.

ADOPTION OF AGENDA: Council will typically adopt the agenda **in the order listed or modify the order** in a way that can best accommodate the time of people in attendance who wish to speak on particular items.

A motion was made to adopt the Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by the following vote:
Ayes: Black, Calvert, Morillas, Ucovich, Wheeler
Noes: None

BUSINESS

1. **Proposed Revised Tree Ordinance** **(Continued from April 8, 2014)**
On February 1, 2014 a tree ordinance workshop was held and staff was directed to return with a revised tree ordinance that was based on comments received at the meeting.
Recommendation: Discuss, take public comment and provide a recommendation to staff to return with the proposed ordinance for first reading at the May 13, 2014 Council meeting.
Public comment:

Diameter of trees to protect.

Pat Brechtal, 5815 Brace Road, asked about the diameter of the tree and where the measurement is taken from and if this includes all trees, like the cottonwood?

Rick Angelocci, Town Manager, stated the ordinance is limited to the oak trees and you measure 54 inches height from the ground.

Irene Smith, 6755 Wells Avenue, stated she supports 6 inches in diameter at breast height.

Gary Liss, 4395 Gold Trail Way, stated he supports keeping 6 inches because it will preserve the young trees.

Lois Engel, 3617 Del Mar Avenue, stated the following:
- **certain oak trees (Valley Oak) have shallow roots and in a wet winter with a lot of wind the trees will fall down**
- **the white oak has a long tap root that will not come down in rain and wind**
- **council should look at the type of root on the oak trees before council says a certain size of a tree because some of the trees are dangerous**

Jean Wilson, 4301 Barton Road, stated not all oak trees are slow growth and it will depend on where it is planted.

Roger Smith, 6755 Wells Avenue, stated he supports the Planning Commission's recommendation of 6 inches in diameter.

Kim Fittke, 3070 Humphrey Road, stated she supports 6 inch diameter for protected tree.

Brian Baker, Arcadia Avenue, stated he supports whatever size is healthy to maintain the tree canopy.

Shawna Martinez, Penryn, stated the following:
- smaller diameter trees have the most vigor and are important to protect
- she recommends keeping it at 6 inches in diameter for all of the oaks
- the blue oaks in particular are hard to establish and hard to establish from seedlings

Following further discussion on the matter, a motion was made to approve six inches in diameter to protect the Valley Oak, Interior Live Oak, the Oracle Oak, California White Oak and the Blue Oak at four inches in diameter. On motion by Councilmember Calvert, seconded by Councilmember Ucovich and passed by the following vote:
Ayes: Black, Calvert, Morillas, Ucovich, Wheeler
Noes: None

<u>Size of residential parcels to exempt.</u>

Gary Liss stated the following:
- we need to focus on developers coming in, there are hundreds of acres that could be developed
- some of the letters that have come in focuses on one acre as the appropriate size, because of anything larger there should be plenty of room on a 2.3 – 4.6 acre lot to design around the trees that are there
- the majority of residents in town live on one acre and smaller, so if you have one acre parcels exempt, at a minimum, it will provide a huge benefit to most people in town and it will clearly communicate that it is not about them, it's about new development

John Gant, 5610 Shady Canyon Court, stated the following:
- He just purchased his property, 4.6+ acres and there are over 275 trees on his property
- he had a certified arborist look at his property and he evaluated 131 trees on less than ¾ of an acre
- approximately 25% of the trees are rated at a 3 or higher and 75% of the trees are rated at a 2 or 1 on his property
- the trees are not healthy, the majority of them are choking each other out
- those fees are strictly against a resident who moved here to be a part of Loomis
- the size should be as large as possible

Irene Smith, 6755 Wells Avenue, stated the following:
- someone could come in and clear cut 2.3 acres or more for a vineyard and if we have that repeating itself, how do you control the clear cut
- 2.3 acres is giving away too much and asked Council to keep the exemption at ¼ acre lot size and smaller

Pat Brechtal, 5815 Brace Road, stated he supports increasing size of the lot.

Pat Miller, 4395 Gold Trail Way, stated that she would be happy with the ¼ acre or even the 1 acre exemption.

Brian Phillipe, 6835 Brooks Lane, supports 4.6 acre exemption that is non-subdividable.

Kim Fittke, 3070 Humphrey Road, stated the following:
- this ordinance came up because we don't want to pick on residents
- there shouldn't be an exemption
- every resident should have to get a tree permit whether they are exempt or not so they can be given information on the trees and make an educated decision before they decide to cut a tree
- the Planning Commission's version of the ordinance wasn't just based on discussions, it was also based on hours upon hours of research
- if there is any issues that you may be in doubt about she asked that they would refer to that

Sonja Cupler, 5630 Tudor Way, stated she was also in favor of the 4.6 acre lot exemption.

Shawna Martinez, 2332 Lynnwood Lane, Penryn, stated the following:
- if a resident wanted to take down a tree on larger acreage they could apply for the 10% rule
- if a resident wanted to take down 2 or 3 trees on an acre they should have enough room to plant trees
- her proposal is to come up from the ¼ acre to 1 acre but not any more

Russ Kelley, 4246 Barton Road, stated the following:
- he has been planting trees on his 3.75 acres over 48 years and some of his best trees are redwood trees
- there are only two kinds of oak trees, ones that are growing and ones that are dying
- if a property is not splittable the larger acreage should just be left alone and left up to the property owners

Brian Baker, 6020 Arcadia Avenue, stated the following:
- on page 3 it says the property owner is responsible for their trees to maintain
- if a resident has 4.6 acres that can't be split and they need to remove a tree, then they should be able to without mitigation
- if property can be subdivided then it will need to be mitigated

Roger Smith, 6755 Wells Avenue, stated the following:
- the opening paragraph in the tree ordinance states that the highest priority of our tree ordinance is to maximize the preservation of existing protected trees
- we are here tonight to preserve protected trees not to find ways to allow residents to remove them
- he supports exempting small parcel sizes

Councilmember Black stated the following:
- all of us invest hundreds of thousands of dollars in our homes and we will not detract from the property value
- we should have the ability to do what we want with our property
- he supports going with a minimum of 4.6 acre that cannot be split

Councilmember Calvert stated the following:
- she feels like they won't make anyone happy so they need to meet in the middle
- there are a lot of exemptions in here to protect some of those 163 parcels, under the woodland and the 10%

Councilmember Ucovich stated the following:
- to allow 4.6 acre exempt would basically be the whole town
- he would like to save the oak trees and stay with the ¼ acre lot exemption

Councilmember Morillas stated she agrees with Councilmember Black, the residents with the larger lots should have the same rights as the smaller lots.

Mayor Wheeler stated the following:
- he agrees with Ms. Fittke's suggestion of having a required tree permit and information given on trees before a tree is cut down
- he is also believes in property rights
- he supports exemption of a 4.6 acre lot that can no longer be subdivided

Following further discussion on the matter, a motion was made to require a tree permit for all tree removal and exempt mitigation fees for lots that cannot be subdivided up to 4.6 acre minimum or less. On motion by Councilmember Black, seconded by Councilmember Morillas and passed by the following roll call vote:
Ayes: Black, Calvert, Morillas, Ucovich, Wheeler
Noes: None

Recess at 8:50 p.m. to 9:00 p.m.

<u>Number of trees to replant.</u>

Gary Liss stated the following:
- save our trees don't lower the fees
- the Planning Commission's recommendation for large scale projects is already 73% lower than current Loomis fees
- this is a huge give-away by decreasing the trees, it's all about development
- the number of trees and the mitigation fees are the key tool for communicating the Town's values of preserving trees
- don't decrease the number of trees and increase the fees back to the current level

Jean Wilson stated the following:
- one advantage of reducing the mitigation table is that we would have a much better chance to get trees replanted rather than pay the money to the Town
- the Town doesn't have the space or the means for replanting oaks
- if we were challenged on the old fees it would probably not stand up in court
- we are better off leaving the chart the way it is

Mayor Wheeler pointed out that they have accepted the fee schedule that was forwarded from the Planning Commission, at this time they are discussing the number of trees required for mitigation.

Brian Phillipe, 6835 Brooks Lane, stated the following:
- the stated goal in the ordinance indicates the Town's goal is to "achieve an overall healthy tree canopy"
- the goal does not state, "to add to the existing canopy"
- the more trees that is required to mitigate is in addition to the canopy
- he would recommend to stay with the proposed ordinance that is presented tonight

Roger Smith stated the following:
- the best way to conserve the canopy is to not cut the trees
- questioned what is the biggest disincentive for the developer to cut the trees, having to replant 15 trees/seedlings or having to pay a big chunk of money
- we want to keep the disincentive nature of the mitigation table, now it is focused on developers

Shawna Martinez stated the following;
- in-lieu of the 4.6 acre decision, the fees should be revisited
- in her table (she handed out) she met in the middle
- she would like to see the sizes of the trees be in one column
- Valley Oak and California White Oak are the same tree
- the numbers she proposed in her table is accurate for filling the canopy of the replacement tree

Kim Fittke stated the following:
- it doesn't address how the trees are planted, what area, and density, to insure that what you plant makes any sense
- in a rural area like Loomis, a large part of the benefit is based on the whole ecosystem
- the least we can do is to keep the ratios high enough where you are trying to replace the real value of the trees lost
- the point is to discourage the clear cutting of the trees
- the Planning Commission's ordinance included common sense caveats and she would defer to the ratios presented in their ordinance

Rick Angelocci, Town Manager, pointed out that a developer has to go through enormous scrutiny before they can remove any trees, a tree protection plan is still required in this ordinance and they won't have the right to clear cut.

Russ Kelley stated the following:
- it takes a lot of planning to get a project finished
- the tree ordinance was designed to look at canopy and we are at 35% now, and are well ahead of schedule
- on the smaller lots, if you go to Environmental Health for a septic permit you will be giving up about an acre
- we are going to lose some trees for solar panels
- he encouraged Council to go with the ordinance that is before them

Councilmember Ucovich stated the following:
- he is concerned about high fees forcing the developer to drive up the price of housing
- we don't have any place to plant trees

Following further discussion on the matter, a motion was made to adopt the table 5-3 as recommended with the addition of the 6 inch size of trees put back in for the Valley Oak, Interior Live Oak, Oracle Oak, California White Oak and 4 inches for the Blue Oak. On motion by Councilmember Black, seconded by Councilmember Ucovich and passed by the following roll call vote:
Ayes: Black, Morillas, Ucovich, Wheeler
Noes: Calvert

On the tree replacement include up to 50% smaller trees (5 gallon) in replacement.

Jean Wilson stated the following:
- she interviewed growers of the native trees and they are moving away from the nursery pots to T pots because they take hold so much faster and it allows them to have a deeper root that adapts to the location much faster than putting in a bigger tree
- one reason to put in a 15 gallon is because a person would want instant effect but it has nothing to do with the health and growth of a tree
- another reason they recommend a 15 gallon is for parks and along streets because of vandalism or people leaning on them

Shawna Martinez stated the following:
- they have been using the T pots along the freeways for several years now because of the success
- the research done on the T pots has been fairly recent and her recommendation was to combine them and allow people to choose what size tree they want to put in
- the smaller trees tend to take off and do better

Kim Fittke stated that before you see the leaves come out of an oak they are growing underground, the 80% that is growing underground is what matters, not what is on top unless it is an older tree.

Following further discussion on the matter, a motion was made to add the sentence : "Up to 50% of the required replacement trees may have T4, T6, T8 Tree Pots (oaks) or a #5/5 gallon (other species) container size, where the Town Manager determines that long term tree health and survival will be improved by starting with a smaller container size, and that each tree with a container size less than #15 will not be in a location where it will be more subject to damage while it is becoming established than a larger tree." On motion by Councilmember Black, seconded by Councilmember Morillas, and passed by the following vote:
Ayes: Black, Calvert, Morillas, Wheeler
Noes: Ucovich

Add "other than a Minor Land Division" under 13.54.110 Section E, following "if a subdivision application"

Jean Wilson stated the following:
- when the subdivision clause was put in they were thinking about the infrastructure and houses and didn't think about a minor land division
- she would like to add to Section E in the last sentence after the word "subdivision" the following: "other than a minor land division"
- she asked Council to clarify what they meant by 4.6 acres or 4.6 acre zoning that is non-splittable

Mayor Wheeler stated if you have a 5.2 acre piece of property and you are zoned 4.6 acre, than that is non-splittable.

Jeff Mitchell, Town Attorney, agreed it is by zoning categories that are non-splittable.

Pat Miller stated she agrees with Ms Wilson and asked to include "when agricultural is continued."

Following further discussion on the matter, a motion was made for 13.54.110 Section E, to read in the last sentence: " If the agricultural use is terminated before ten (10) years, and/or if a subdivision application, other than a Minor Land Division, for non-agricultural development is filed with the Town within that period, mitigation shall be required in compliance with Sections 13.54.090. On motion by Councilmember Calvert, seconded by Councilmember Ucovich and passed by the following roll call vote:
Ayes: Black, Calvert, Morillas, Ucovich, Wheeler
Noes: None

Add "Removal of trees for defensible space."

No public comment.

Following further discussion on the matter, a motion was made that any tree removal, pursuant to State Law, is exempt from mitigation fees. On motion by Mayor Wheeler, seconded by Councilmember Ucovich and passed by the following roll call vote:
Ayes: Black, Calvert, Morillas, Ucovich, Wheeler
Noes: None

Include Heritage tree definition

Pat Miller stated the following:
- **she was never in favor of removing the definition of a heritage tree**
- **our logo hi-lights a tree and we have spent a lot of time talking about trees**
- **she suggested including any important/special tree for this area that we might want to include**

Irene Smith quoted from the City of Rocklin's definition of heritage oaks and said we should apply that in Loomis too.

Jean Wilson pointed out that there was a provision in the previous tree ordinance for a landmark tree like Ms. Miller suggested.

Gary Liss stated that he is in favor of designating a heritage or landmark tree in the ordinance.

Roger Smith stated the following:
- **he agrees that the designation of a heritage oak should be left in**
- **an example would be the one on the corner of Rocklin Road and Barton Road, right on the corner of the strawberry patch**
- **how can we go above and beyond the normal rules for a heritage tree**

Russ Kelley stated the following:
- **there is only one way for a heritage tree to go and that is down**
- **he had a huge one on his property and he came out one morning and it was down**
- **we don't need to designate a heritage oak tree, we can do it by proclamation**

Following further discussion on the matter, a motion was made to keep the wording of the Heritage Protected Tree and staff will bring back a clear definition that will also include trees other than oaks. On motion by Councilmember Calvert, seconded by Councilmember Morillas and passed by the following roll call vote:
Ayes: Black, Calvert, Morillas, Wheeler
Noes: Ucovich

Following further discussion on the matter, a motion was made to direct staff to bring amended ordinance, that includes all straw vote decisions made tonight, back for first reading at the next Council meeting. On motion by Councilmember Morillas, seconded by Councilmember Black and passed by the roll call vote:
Ayes: Black, Calvert, Morillas, Ucovich, Wheeler
Noes: None

ADJOURNMENT

Mayor Wheeler stated there was no further business and adjourned at 10:25 p.m.

Mayor

Town Clerk