



TOWN OF LOOMIS
PLANNING COMMISSION
ACTION MINUTES
LOOMIS DEPOT
5775 HORSESHOE BAR ROAD
LOOMIS, CALIFORNIA

TUESDAY	SEPTEMBER 24, 2013	7:30 PM
----------------	---------------------------	----------------

CALL TO ORDER Call to order by Chairman Hogan at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

- Present:
- Chairman Hogan
 - Commissioner Black
 - Commissioner Miller
 - Commissioner Thew
 - Commissioner Wilson

COMMISSION COMMENTS

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA No public comment.

ADOPTION OF AGENDA

If items on the Agenda will be rescheduled for a different day and time, it will be announced at this time. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five minute time limit. The Chairman has the discretion of limiting the total discussion time for an item.

BUSINESS

1. **REVISED TREE ORDINANCE FOR RECOMMENDATION TO COUNCIL**

On July 23rd , August 14th and 27th , and September 18th of this year, the Planning Commission discussed and commented on the proposed draft Tree Ordinance. Staff has revised the draft Tree Ordinance based on the comments received and direction given by the Commission. This meeting will continue the review and discussion of the proposed draft Tree Ordinance.

RECOMMENDATION: Take public comment, discuss and provide a recommendation to the Town Council for approval and adoption of the Tree Ordinance.

PUBLIC COMMENT:

Commissioner Wilson stated the following:

- in the staff report it refers to a study prepared by Clemson University but it is not a good example because it doesn't relate to California Practices
- the Army Corps of Engineers study makes sense, we haven't looked at survivability, 1:1 ratio is not adequate
- she would like the report understandable

Russ Kelley stated the following:

- under "property owners responsibility," it is common sense that owners will do what needs to be done with their trees
- he has a problem with the statement "if owners don't maintain their trees on their property and create an emergency they will be subject to a fine
- there needs to be some clarity of whether we are talking about developers or property owners
- you may have a problem if you tell everyone you want to regulate their trees and tell them they can no longer have a swing hooked up to a tree or a tree house
- there should be something written that would say that the Town would not deprive the property owner for his right to use his property for family benefit
- the ordinance needs to explain the difference between a developer and the property owner so that a property owner can use his property for his family, it's not clear
- suggested using some of the mitigation fees to maintain the trees on the roadways

Roger Smith, 6755 Wells Avenue, stated the following:

- in the first section of the draft ordinance under "Purpose and Intent," there should be much stronger wording in there that sets the tone as one that would preserve trees prior to removing and mitigating in any fashion
- he suggested the following wording to be put in toward the end of the first paragraph to set the tone of the ordinance: "the highest priority of the ordinance is to maximize the preservation of existing protected trees, where this is not feasible, a permit may be issued for tree removal with proper mitigation"
- previously the town has had a policy that if you pay the fees you can cut the trees, there was no real strong preservation applied to people wanting to cut the trees, he would like to see us move away from that
- "Agricultural Exemptions" is needed in the ordinance but it shouldn't be a license to clear cut
- a good compromise on that would be to add: G. "that an agricultural exemption shall not result in the removal of more than 75% of protected trees in any agricultural development"
- we have an opportunity here to set a policy that tries to compromise yet preserving 25% of the protected trees
- he suggested under Agricultural Exemption F.1. to define it a little better: "surrounding existing buildings"
- under new development section he recommended that "building envelopes not be clear cut until a building permit for the structure is in place or applied for"
- the mitigation table has been relaxed some from what we had, he would like to see a table at least as strong as what we had
- we are not in the business to make money but we need strong deterrents to make someone think twice about cutting trees

Miguel Ucovich stated the following:

- in the mitigation table it shows 24 inch boxes for replacement, he would like that taken out
- it is allowed for a homeowner to take out trees in larger areas, 10% over 10 years
- if a person is going to build they should be able to take the trees out when they want
- regarding the orchards: if he puts in mandarins and loses all of them during a hard freeze, according to this ordinance he has to plant all of the oak trees back
- if someone quits farming for a variety of reasons, such as nature, they shouldn't be penalized for it
- he agrees with trees around a building, their needs to be a distance to protect the tree
- he suggested on lots under ¼ acre to encourage people to keep their oak trees
- he found out through studies of the American Arborist Association that it cost \$100 per inch to plant an oak tree

Gary Liss, 4395 Gold Trail Way, stated the following:

- he agrees with adding "preservation" on the purpose of intent to clarify that message
- he agrees on the Agricultural Exemption that no more than 75% removal of protected trees would keep with the spirit we are trying to do
- on New Development, he agrees with the building envelope Roger Smith has come up with specific language that will preserve the opportunity for people to preserve more trees
- on Mitigation Fees he agrees that the fees are not intended to be paid, there intended to be a deterrent and supports keeping the fees at the current level or at least comparable to other communities that evidently value their trees as much as we do, like West Sacramento and Citrus Heights
- the ordinance is written to treat everyone equally because legally that is what we have to do
- there are many provisions in the ordinance that insure average citizens will not be impacted by the mitigation requirements and permitting process
- he urged the Planning Commission to reconsider the 87% decrease in tree fees as not being warranted and running counter to the General Plan goal of deterrence and preservation of our trees and not selling them off

Shawna Martinez, Penryn, stated the following:

- she agrees that the purpose and intent should be about preservation
- in the Agricultural Exemptions she supports retaining existing trees within 25 feet of the property line
- in the Agricultural Exemptions she agrees with: "shall not result in the removal of more than 75% of protected trees"
- on new development she agrees with Mr. Smith on the building envelope
- she agrees with Mr. Liss on the mitigation table and this should be revisited, we should be at least what our surrounding communities have as a deterrent

ADJOURNMENT