

**Parks and Community Services Department**

23 Russell Boulevard – Davis, California 95616  
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**Tree Commission Special Meeting Minutes**  
**January 21, 2021**  
**5:30 p.m.**

Commissioners Present: Larry Guenther-Chair, David Robinson, Tracey DeWit, Colin Walsh, Jim Cramer, John Reuter, Alternate-Vacant

Commissioners Absent: Lauren Hwang-Finkelman-excused

Council Liaison Present: Will Arnold

Assigned Staff: Dale Sumersille, Parks and Community Services Director  
Rob Cain, Urban Forest Manager

**Opening Statement**

Welcome to the monthly meeting of the City of Davis' Tree Commission.

Members of the Tree Commission are all volunteers and appointed by the Davis City Council.

The Tree Commission provides leadership and guidance to the Urban Forest Manager and to the City Council regarding tree removal and replacement requests.

The Tree Commission provides for the protection, preservation, and enhancement of Davis' urban forest. The Tree Commission is charged to recommend the removal of a City tree on a case-by-case basis for the following reasons:

- Poor health, identifiable diseases, exceedingly slow growth, large scale limb failure and decay;
- Potential for hazardous conditions that are caused by the street tree and cannot be mitigated without the removal of the tree.

**The Tree Commission does not have the authority to recommend the removal of a City Tree for its debris, such as leaves, fruit, nuts, pollen, pine cones, needles, etc., nor does it have the authority to recommend the removal of a tree for its potential as an allergen or for solar collector installation per Municipal Code Section 40.38.00. The Tree Commission does not have the authority to remove a tree if it is healthy.**

All Tree Commission decisions can be appealed to the City Council for their consideration.

**Approval of Agenda:**

Motion to approve the agenda was made by Robinson, seconded by Walsh.

Approved: 6-0

**Approval of Minutes:**

Motion to approve the minutes for December 17, 2020 was made by Robinson, seconded by Walsh with the correction of Alan Hirsch's public comment on what looks like lion's tailing of some Landmark Tree candidates.

Approved: 5-0-1: Reuter abstained

**Public Comments:**

Alan Hirsch commented that he would like to be able to comment on the ordinance update item before commission discussion.

**Regular Items:**

**A. Street Tree Removal Requests were discussed with the following actions taken:**

| <u>Location</u>             | <u>Tree Species</u>  |
|-----------------------------|--|
| <b>1. 1007 Burr Street</b>  | <b>Bradford Pear</b>   |
| Moved by:                   | Robinson   |
| Seconded by:                | Cramer   |
| Motion:                     | Due to the decay and continued limb failures, follow the staff recommendation to remove and replace the tree. Replacement tree is to be planted further away from the utility vault. |
| Motion Passed:              | 6-0  |
| <b>2. 2742 Adrian Drive</b> | <b>Arnold Crab Apple</b>   |
| Moved by:                   | Walsh  |
| Seconded by:                | DeWit  |
| Motion:                     | Due to the poor health and decay, follow the staff recommendation to remove and replace the tree. The replacement tree will be planted in the greenbelt area behind the residence.   |
| Motion Passed:              | 6-0  |

## **B. Municipal Code Chapter 37 Tree Planting, Preservation and Protection Ordinance Update Review**

The Commission heard a presentation from Helix Environmental Inc. the consulting firm helping the City with the ordinance update. The presentation is attached to the minutes. Staff and Helix project manager Meredith Branstad then took questions about the changes and updates to the ordinance.

### Questions from Commissioners

Walsh commented that he likes the addition for replacing dead trees within 6 months of removal.

He asked the following questions:

1) Would like the link to city ordinances reviewed in comparison to Davis and of those which ones were stand outs?

Branstad answered that the links could be provided and the City of Folsom's ordinance was one that stood out in the review process.

2) Asked about the reduction in categories and the street tree definition.

Branstad answered that the street tree definition is now going to be a "city tree" which will include all city trees not just street trees.

3) Are the in-lieu fees of \$189.00 just for planting?

Staff answered yes and the fees do not include tree establishment costs.

4) Are parking lot shade guidelines used in developments for bike paths and sidewalks?

Branstad answered that they did not see such guidelines for bike paths or sidewalks.

5) Does the applicability apply to city operations as it appears the current ordinance exempts city operations?

Staff answered that this will be looked at and added as necessary.

6) For the additional documents referenced in the ordinance, would they carry more weight by being in the ordinance?

Branstad answered that by referencing the documents in the ordinance they do carry the weight of the ordinance and are fully enforceable even if the document itself is not in the ordinance.

DeWit thanked Helix for the presentation and liked the idea of involving the Commission for reviewing the ordinance. DeWit asked the following:

1) Were other small university towns looked at in the review of other tree ordinances?

Branstad answered they were not and they did not look at University of Davis either.

2) In Section 37.02.02 of the current ordinance it states the rights and obligations of the public. Will the update define the rights and obligations of the City?

Staff answered that this will be reviewed and looked into as an addition.

Reuter asked the following:

1) Should the other documents mentioned in the ordinance be kept in the appendices for ease of use?

Branstad answered that the retention of the appendix will be reviewed.

2) Is there any notion of reviewing other entities' ordinances for novel or innovative ideas to add?

Branstad answered that yes ordinances were reviewed for new ideas to incorporate.

3) In the update will there be brand new additions that are not in the current version?

Branstad answered that new additions have been made, some examples are:

- 1) Clearer process for submitting tree related documents with building applications
- 2) Expanded information for construction protection measures
- 3) Root volumes added to parking lot guidelines.

4) Will the private tree definition include Planned Development zoning?

Branstad answered that this can be reviewed for inclusion.

Cramer commented that the Tree Commission powers are not listed in the ordinance.

Cramer asked about the revision schedule and that climate emergency language should be added.

Guenther asked about the time-line process for the revision.

Branstad answered that the public comment period is open until March 31.

#### Public Comment

Alan Hirsch expressed frustration that the consultant can have slides but the public cannot.

Alan Hirsch stated he was confused about the parking lot shade ordinance and confused with the current and updated versions of the policies, ordinance, and regulations.

Alan Hirsch stated that the ordinance needs a more fine-tuned approach. Only have a hammer for enforcement.

Alan Hirsch stated the parking lot shade guidelines needs to have tree plant specifications for trees to be planted correctly and grow.

Hirsch stated that the problems that need to be solved in the current ordinance should be explained prior to the ordinance revision.

#### Discussion

Walsh stated he had more detailed comments to send in for process discussion and asked if a CEQA review was needed for the update. He also asked if there would be a legal review of the updated version.

Walsh asked about how the Tree Commission comments would be included into the document and wanted a subcommittee to help with the review.

DeWit liked the comments being made and believes the process for receiving comments is important.

Reuter made some overarching comments:

- 1) Concerned about the appraised value definition based solely on what it costs to plant a tree and does not include the eco-systems services in the fee.
- 2) Concerned that the 50% shading for parking lots has been reduced to 30% and a lower bar may not be hit either. He wants to increase the shading percentage, as if the higher percentage is not met, a parking lot may still have a higher percentage than the current 50%.
- 3) Would like to see a downtown section for the ordinance
- 4) Include more responsibility on developer and responsibilities in perpetuity for maintenance plans.
- 5) In-lieu fees appear too small for the ordinance.
- 6) Would like to see more enforcement for trees removed due to flagrant neglect of the trees.

Cramer commented that this is a good process but does not want to get bogged down in process and would like to see a subcommittee to keep process moving forward.

Cramer would like to see Commissioner comments prior to the next meeting to review.

Guenther commented that the Tree Commission's scope is limited in the ordinance and the Commission's charge in the ordinance should be added.

Guenther would like to see enforcement increased with the new ordinance and feels it necessary for compliance of the ordinance and a robust urban canopy.

Guenther would like to see the inspection of trees prior to planting and the planting hole backfilled. He asked for clarification on who would perform the role of cop and inspector.

Guenther is concerned that the tree appraised values are too low and would like to see increase in the fees for mitigation and to see automatic increases for future years.

Guenther would like to see project planting plans be available for review and to get non-copyrighted plan sets.

Guenther would like to see clear processes for inspections and enforcement.

DeWit commented that technology can help to achieve inspection goals, for example, taking photos of inspections for planting.

The Commission made the following action regarding the tree ordinance update:

Guenther moved to form a subcommittee to help review and revise the tree ordinance  
Walsh seconded the motion  
Walsh made a friendly amendment to allow the subcommittee to have members from outside the Tree Commission.  
Cramer seconded the friendly amendment.

Motion passed 6-0.

**Adjournment:** Meeting adjourned at 8:00 p.m.; moved by Cramer and seconded by Reuter. 6-0

**Next Meeting: February 18, 2021**

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