



CITY OF SANGER
TREE & LANDSCAPE COMMISSION
JULY 6, 2009

AGENDA

6:00 PM Regular Meeting
City Hall Council Chambers

A. CALL TO ORDER

B. ROLL CALL

C. FLAG SALUTE - Commissioner Pinuelas

D. AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

E. PUBLIC PARTICIPATION

This portion of the meeting is reserved for persons desiring to address the Commission on any matter not on the agenda and within the area of responsibility of the Commission. It is the policy of the Commission not to answer any questions impromptu and complaints should be referred to the Public Works Department. Speakers should limit their comments to five minutes

F. MINUTES

G. OFFICER REPORTS

1. Chairperson's Report

H. COMMITTEE REPORTS

1. Downtown Beautification

I. OLD BUSINESS

1. Discussion: Draft Revised Tree Ordinance (Chapter 58, Article IV, City Code)

J. NEW BUSINESS None

K. COMMISSIONER COMMENTS

L. ANNOUNCEMENTS

1. Next Meeting August 3, 2009

M. ADJOURNMENT

*Madlyn Esquer, Vice Chairperson
David Pinuelas, Commissioner*

Siarri Carter, Commissioner

**
Larry Lihosit
Secretary/Planner*

**
John White
Interim City Manager*

*Raul Cantu, Chairperson
Gail Sergent, Commissioner*

**
John Mulligan
Deputy Public Works Director*



CITY OF SANGER
 TREE & LANDSCAPE COMMISSION
 MEETING OF JULY 6, 2009

CITY OF SANGER
 MINUTES OF THE TREE & LANDSCAPE COMMISSION
 For June 1, 2009

The regular meeting was held in the Sanger City Hall Chamber at 6:00 p.m.

- A. CALL TO ORDER:** Vice Chairperson Esquer called the meeting to order at 6:00 p.m.
- B. ROLL CALL:** These Commissioners were present; Sergent, Pinuelas, and Esquer and Carter. Commissioner Cantu was absent.
- Staff present included John Mulligan, Deputy Public Works Director.
- C. FLAG SALUTE:** Commissioner Esquer led the flag salute.
- D. AGENDA APPROVAL:** Agenda approved.
1. Motion to approve: Pinuelas
 2nd: Sergent
 Vote: 4-0 (approve)
- E. PUBLIC PARTICIPATION** None.
- F. MINUTES:**
1. Minutes, May 4, 2009.
 Motion to approve: Pinuelas
 2nd: Sergent
 Vote: 4-0 (approve)
- G. OFFICER REPORT:**
1. Chairperson's Report: None.
- H. COMMITTEE REPORTS:**
1. Downtown Beautification: The Chamber of Commerce met on May 27. A timeline of future events will be mailed to members. Valley Yellow Pages has offered to donate \$1000 if the Chamber contributes \$500 for the planting of trees in Sanger. The Chamber has requested the tree list and suggestions about locations for planting. Downtown cleanups are scheduled for June 13 and 14. Flyers will be distributed. The Family Worship Center will paint out graffiti on June 20. The next Downtown Beautification meeting will be on August 25.
- I. OLD BUSINESS:**
1. Discussion: Draft Tree Ordinance (Chapter 58, Article IV, City Code) 58-86 c "Tree topping is prohibited (remove exceptions). 58-90 Remove last sentence.

J. NEW BUSINESS: None.

K. COMMISSIONER COMMENTS:

1. Sergent Dead pine tree at Church & Academy. John Mulligan explained that this was caused by a gas leak which was still under investigation.
2. Carter Would like Commission to consider amendment to Street Tree List.
3. Pinuelas In favor of reviewing Street Tree List.
4. Esquer Would like staff to share Commissioner telephone numbers with Commissioners.

L. ANNOUNCEMENTS: None.

M. ADJOURNAMENT: The meeting adjourned at 7:37 p.m.

Motion to adjourn: Esquer
2nd: Sergent
Vote: 4-0 (to adjourn)



CITY OF SANGER
TREE AND LANDSCAPE COMMISSION
MEETING OF JULY 6, 2009

TO: TREE AND LANDSCAPE COMMISSION
FROM: LAWRENCE F. LIHOSIT, PLANNER *[Signature]*
SUBJECT: DRAFT REVISION TO CITY CODE (CHPTR 58, ART. IV)

STAFF RECOMMENDATION:

To approve the recommended revision to City Code and authorize staff to request the City Attorney's opinion.

DISCUSSION:

The Commission has studied other city's laws (February 2, March 2, April 6) and at the Commission's request, a staff revised chapter of local code (May 4 and June 1). Based upon Commissioner's comments at both meetings, attached is a revised chapter for consideration. Note that staff has added the words "will also attend the Chamber of Commerce sponsored..." to 58-85 (a) (5) to clarify. If approved as recommended, staff will send this to the City Attorney, requesting review and an opinion. This would be forwarded back to the Commission.

Attachments:

Sample Resolution
Revised Chapter 58, Article IV

Prepared by: Lawrence F. Lihosit, Planner

REVIEW: John Mulligan, Deputy Public Works Director

TYPE OF ITEM: Department Report APPROVE__ APPROVED/REVISED__ DENIED__

FILE: NR/DEV SERV/FILES/TREE&LANDS/TLC2007/STAFFREPORTS/STAFFREPT070609

ARTICLE IV. LANDSCAPING WITHIN PUBLIC RIGHT-OF-WAY AND ON CITY PROPERTY

Sec. 58-76 Findings.

Healthy, well chosen trees can help recharge ground water, reduce soil erosion and water pollution, decrease noise along streets, provide shade and reduce street-side temperatures, reduce air conditioning costs, provide a wind break, and instill community pride. Unfortunately, poorly chosen trees can cause problems. Information obtained from videotape of city sewer lines reveals significant damage to the collection system caused by invasive tree roots. A recent city survey also noted significant damage to curbs, gutters, sidewalks, and streets caused by surface tree roots. In addition, a significant number of trees in the city's older section have reached maturity, are diseased, and often conflict with overhead utility lines and/or structures. Tree planting in past decades did not take into account tree height at maturity, types of roots, or a possible variation of species to avoid susceptibility to blight and plague, nor did it consider water conservation.

Sec. 59-77 Purpose and intent.

This ordinance establishes policies for landscaping within public right-of-way and on other city owned and/or controlled properties which will result in;

- (a) less consumption of water,
- (b) less maintenance (above and below ground) and a cost savings,
- (c) no poisonous and/or fruit bearing plants and increased public safety,
- (d) a more diverse array of trees less susceptible to blight and plague and a healthier urban forest, and
- (e) a logical system for regulating landscaping activities.

Sec. 58-78 Definitions.

The following words and phrases, used in this article, are defined below.

Landscape plan means a to-scale drawing of existing and proposed features such as (but not limited to) sidewalks, streets, signs, street lights, utility poles, trees, shrubs, and ground cover.

Public right-of-way means that area ascribed on Final Parcel and Final Subdivision Maps as under the ownership, easement, and/or jurisdiction

of the city for streets, bicycle paths, pedestrian trails, and any other area so used through prescriptive rights.

Street trees means trees within public right-of-way.

Landscaping means all vegetation (groundcover, bushes, vines, trees, etc.) located within public right-of-way.

Topping means the severe cutting back of tree limbs to stubs larger than three inches in diameter within a tree's crown, removing the tree's normal canopy and disfiguring it.

Sec. 58-79 Jurisdiction.

The City of Sanger maintains jurisdiction over all planting and maintenance of vegetation within public right-of-way, parks, and all other properties owned by the city and/or areas of easement granted to the City.

Sec. 58-80 Policies regarding vegetation within public right-of-way, parks, and areas owned by or held in easement for the City.

It is the City policy to promote healthy vegetation within its jurisdiction that is drought tolerant, requires a minimum of maintenance, and does the least possible damage to infrastructure while posing the least amount of danger of injury or damage to public or private property.

Sec. 58-81 Establishment and composition of tree and landscape commission.

A tree and landscape commission, including five members who reside within the Sanger Sphere of Influence, is hereby established. The members will include one member from the planning commission, one member from the parks and recreation commission, one member from the Sanger Environmental Fund, and two members from the public. After initial creation, the city council will attempt to appoint commissioners who reflect different interests, backgrounds, and areas of expertise.

Sec. 58-82 Appointment of members.

The members of the tree and landscape commission will be appointed by the mayor subject to city council approval.

Sec. 58-83 Term of office, vacancies, and compensation.

- (a) The tree and landscape commissioner's term of office will be four years. Terms will expire on the first Thursday in January.
- (b) Vacancies will be on a rotation of two and three positions every two years. The members of the initial commission will draw lots to determine which two members will serve a two-year term. Members whose term expires will continue to serve until their successor has been appointed and approved. If a vacancy occurs, other than by expiration of term, it will be filled by appointment for the unexpired portion of that term.
- (c) Tree and landscape commissioners will receive a fee of \$25 for each tree and landscape commission meeting that they attend.

Sec. 58-84 Commissioner removal and retirement.

- (a) Tree and landscape commissioners hold office at the pleasure of the city council and may be removed from office at the sole determination of the city council, with or without cause, notice, hearing or appeal.
- (b) Absence from three consecutive regular meetings of the tree and landscape commission without formal commission chairperson consent (or in the case of the chairperson- from the vice chairperson) will constitute the retirement of such member from the commission and the position will be deemed vacant.

Sec. 58-85 Powers, duties, quorum, and procedures.

- (a) The tree and landscape commission powers and duties include;
 - (1) study and develop standards and guidelines to achieve the purposes set forth in Section 58-77,
 - (2) recommend approval of such standards and guidelines to the city council,
 - (3) recommend revisions to the standards and guidelines when deemed appropriate,
 - (4) hear citizen appeals of the standards and guidelines administration by staff, and
 - (5) serve as the City of Sanger Downtown Beautification Committee. Two members, chosen by the commission chairperson, will also attend the Chamber of Commerce sponsored Downtown Beautification Committee meetings and report the committee's actions to the tree and landscape commission. If unable to attend, the member(s) will contact prearranged alternate(s).

- (b) In order to conduct business, a majority of the tree and landscape commissioners must be present.
- (c) Robert's Rules of Order, or any modification deemed appropriate by the majority of commissioners, will be used to conduct all meetings.

Sec. 58-86 Care of trees, bushes, and groundcover within public right-of-way.

- (a) With the sole exception of Lighting and Landscape Districts, when landscaping within public right-of-way abuts private property, the private property owner is responsible to irrigate, prune and maintain healthy trees, bushes, and groundcover and also in such a manner that they do not impair overhead wires, obstruct the view of traffic and/or traffic signs and lights, and/or present danger to persons or property.
- (b) The City may prune, maintain, remove and/or replace trees, bushes, and groundcover to ensure public safety or to preserve and enhance the beauty or health of such grounds.
- (c) Tree topping is prohibited.
- (d) Tree pruning should be done during winter months.
- (e) Tree planting is recommended during the spring and/or fall.

Sec. 58-87 Landscaping within public right-of-way by citizens.

Prior to any vegetation removal and/or planting within public right-of-way, citizens must submit to the Public Works Director (or his or her designee) an Encroachment Permit application for review and approval. Part of this application will include a landscape plan. Proposed planting must follow city adopted standards and guidelines. In the event of approve tree removal, the Public Works Director will require its replacement (using any species listed within the standards and guidelines) in such cases that replacement will not contradict those City standards and guidelines. The Public Works Director (or his or her designee) will respond to the application in writing within 15 calendar days, approving the request, conditionally approving the request, or denying the request.

Sec. 58-88 Appeal.

The applicant may appeal the Public Works Director's decision by submitting a written request for appeal to the Public Works Director within 5 calendar days of receipt of such decision. The Public Works Director will schedule an appeal at the next available tree and landscape commission meeting.

Sec. 58-89 New development landscaping within proposed public right-of-way.

All landscaping within proposed public right-of-way for new development will conform to City standards and guidelines.

Sec. 58-90 Violation of this article and penalty.

Any person violating any provision of this article will be deemed guilty of an infraction in accordance with Chapter 1, Section 1-7 (c) and cited in accordance with Chapter 1, Section 1-8 of City code.

ARTICLE IV. ~~TREES AND SHRUBS LANDSCAPING WITHIN PUBLIC RIGHT-OF-WAY AND ON CITY PROPERTY~~

Sec. 58-76 Findings.

Healthy, well chosen trees can help recharge ground water, reduce soil erosion and water pollution, decrease noise along streets, provide shade and reduce street-side temperatures, reduce air conditioning costs, provide a wind break, and instill community pride. Unfortunately, poorly chosen trees can cause problems. Information obtained from videotape of city sewer lines reveals significant damage to the collection system caused by invasive tree roots. A recent city survey also noted significant damage to curbs, gutters, sidewalks, and streets caused by surface tree roots. In addition, a significant number of trees in the city's older section have reached maturity, are diseased, and often conflict with overhead utility lines and/or structures. Tree planting in past decades did not take into account tree height at maturity, types of roots, or a possible variation of species to avoid susceptibility to blight and plague, nor did it consider water conservation.

Sec. 59-77 Purpose and intent.

This ordinance establishes policies for landscaping within public right-of-way and on other city owned and/or controlled properties which will result in;

- (a) less consumption of water,*
- (b) less maintenance (above and below ground) and a cost savings,*
- (c) no poisonous and/or fruit bearing plants and increased public safety,*
- (d) a more diverse array of trees less susceptible to blight and plague and a healthier urban forest, and*
- (e) a logical system for regulating landscaping activities.*

~~Sec. 58-76 Sec. 58-78 Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning: are defined below.~~

~~Park trees means trees, shrubs, bushes and all other woody vegetation in public parks and other areas owned by the city.~~

~~Street trees are trees, shrubs, bushes and all other woody vegetation whose trunk is located primarily within any parkway, public sidewalk,~~

~~street median, traffic island or other right-of-way under the ownership or control of the City by easement, license, fee title or other permissive grant of use.~~

Landscape plan means a to-scale drawing of existing and proposed features such as (but not limited to) sidewalks, streets, signs, street lights, utility poles, trees, shrubs, and ground cover.

Public right-of-way means that area ascribed on Final Parcel and Final Subdivision Maps as under the ownership, easement, and/or jurisdiction of the city for streets, bicycle paths, pedestrian trails, and any other area so used through prescriptive rights.

Street trees means trees within public right-of-way.

Landscaping means all vegetation (groundcover, bushes, vines, trees, etc.) located within public right-of-way.

Topping means the severe cutting back of tree limbs to stubs larger than three inches in diameter within a tree's crown to such a degree as to ~~remove the normal canopy and disfigure the tree~~, removing the tree's normal canopy and disfiguring it.

Sec. 58-79 Jurisdiction.

The City of Sanger maintains jurisdiction over all planting and maintenance of vegetation within public right-of-way, parks, and all other properties owned by the city and/or areas of easement granted to the City.

Sec. 58-80 Policies regarding vegetation within public right-of-way, parks, and areas owned by or held in easement for the City.

It is the City policy to promote healthy vegetation within its jurisdiction that is drought tolerant, requires a minimum of maintenance, and does the least possible damage to infrastructure while posing the least amount of danger of injury or damage to public or private property.

~~Sec. 58-77~~ Sec. 58-81 Establishment and composition of tree and landscape commission.

A tree and landscape commission, ~~consisting of including~~ five members, ~~all of whom shall reside~~ who reside within the Sanger Sphere of Influence, is hereby established. The ~~commission members shall~~ will ~~consist of include~~ one member from the planning commission, one member from the parks and recreation commission, one member from

the Sanger Environmental Fund, and two members from the public. *After initial creation*, the city council will attempt to appoint commissioners who reflect different interests, backgrounds, and areas of expertise.

~~Sec. 58-78~~ Sec. 58-82 Appointment of members.

The members of the tree and landscape commission ~~shall~~ *will* be appointed by the mayor subject to ~~the approval of each appointment by the city council approval~~.

~~Sec. 58-79~~ Sec. 58-83 Term of office, vacancies, and compensation.

- (a) The *tree and landscape commissioner's* term of office ~~of the tree and landscape commissioners shall~~ *will* be four years. Terms ~~shall~~ *will* expire on the first Thursday in January.
- (b) Vacancies ~~shall~~ *will* be on a rotation of two and three positions every two years. The members of the initial commission ~~shall~~ *will* draw lots to determine which two members ~~shall~~ *will* serve a two-year term. Members whose term expires ~~shall~~ *will* continue to serve until their successor has been appointed and approved. If a vacancy occurs, other than by expiration of term, it ~~shall~~ *will* be filled by appointment for the unexpired portion of that term.
- (c) ~~Members of the Tree and landscape commission~~ commissioners will receive a fee of \$25 for each *tree and landscape commission* meeting ~~of the commission~~ that they attend.

~~Sec. 58-80~~ Sec. 58-84 Commissioner removal and retirement.

- (a) ~~Members of the tree and landscape commission~~ *Tree and landscape commissioners* hold office at the pleasure of the city council and may be removed from office at the sole determination of the city council, with or without cause, notice, hearing or appeal ~~by the city council~~.
- (b) Absence from three consecutive regular meetings of the tree and landscape commission without ~~formal consent of the commission chairperson consent (or in the case of the chairperson- from the vice chairperson)~~ ~~shall be deemed to~~ will constitute the retirement of such member from the commission and the position ~~of such retired member shall~~ *will* be deemed vacant.

~~Sec. 58-81~~ Sec. 58-85 Powers, duties, quorum, and procedures.

~~(a) The powers and duties of the tree and landscape commission shall be to advise the city council on policy issues relating to tree and landscape projects in the city, including tree and landscape policies. It shall be the responsibility of the commission to study, develop and administer landscaping standards and to study, develop and administer a plan for the care, preservation, pruning, replanting, removal and disposition of trees and shrubs in parks, along streets and in other public areas of the city. Upon approval of the plan by the city council, it shall constitute the tree and landscape plan of the city. The commission shall also serve as the downtown beautification committee.~~

(a) The tree and landscape commission powers and duties include;

- (1) study and develop standards and guidelines to achieve the purposes set forth in Section 58-77,*
- (2) recommend approval of such standards and guidelines to the city council,*
- (3) recommend revisions to the standards and guidelines when deemed appropriate,*
- (4) hear citizen appeals of the standards and guidelines administration by staff, and*
- (5) serve as the City of Sanger Downtown Beautification Committee. Two members, chosen by the commission chairperson, will also attend the Chamber of Commerce sponsored Downtown Beautification Committee meetings and report the committee's actions to the tree and landscape commission. If unable to attend, the member(s) will contact prearranged alternate(s).*

~~(b) A majority of the members of the tree and landscape commission shall constitute a quorum for the conduct of business. In order to conduct business, a majority of the tree and landscape commissioners must be present.~~

~~(c) The tree and landscape commission may adopt such rules of procedure as it deems necessary and appropriate and may elect a chairman and vice chairman to preside over its meetings.~~

~~(c) Robert's Rules of Order shall apply to the conduct of the tree and landscape commission meetings, except as they may be modified by rules of procedures adopted by the tree and landscape commission, or any modification deemed appropriate by the majority of commissioners, will be used to conduct all meetings.~~

~~Sec. 58-82 Public tree care.~~

~~The city may plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such grounds. The tree and landscaping commission may cause or order to be removed any tree or part thereof which is in an unsafe condition or which, by reason of its nature, is injurious to sewers, power lines, gas lines, waterlines or other public improvements or it infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection, planting and location of such trees is in accordance with the tree and landscaping plan and this article.~~

~~Sec. 58-83 Private tree care.~~

- ~~(a) It shall be unlawful for any person to top any street tree, park tree or other tree located on city property. Trees severely damaged by storms or other causes or trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section under application to the tree and landscape commission.~~
- ~~(b) The owner of any tree overhanging any street right-of-way within the city shall prune the branches so that they do not obstruct light from any streetlight or obstruct the view of any street intersection and so that there shall be a clear space of at least eight feet above the surface of a sidewalk, and twelve feet above the surface of the street. Tree owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The city may prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with the visibility of any traffic control device or sign.~~
- ~~(c) The owner of any dead or diseased tree which constitutes a hazard to life or property or which harbors insects or disease which constitutes a threat to other trees within the city shall remove such tree. The tree and landscape commission will notify in writing the owner of such tree of the dead, diseased or dangerous condition, which notice shall include an order for removal or pruning of such tree. The owner may request in writing a hearing before the tree and landscape commission. The hearing shall be held within 30 days of the request for the hearing. The commission shall consider all relevant evidence at such hearing and may take such action as it deems~~

~~appropriate. If no request for a hearing is made by the owner, or if the commission upholds the order for removal, the tree shall be removed by the owner at his expense within days after service of the notice unless the commission, after the hearing, vacates the order. Upon the failure of the owner to comply with the order to remove the tree, the city may remove such tree and charge the cost of removal to the owner.~~

Sec. 58-84 Landscaping plans.

- ~~(a) No person shall remove any tree having a minimum trunk diameter of six inches at breast height on any parcel within the city in anticipation of developing that parcel.~~
- ~~(b) All subdivision and other land development applications shall include a landscaping plan. Such plan shall include all proposed landscaping and shall include a map of the undeveloped/pre-developed property which clearly indicates all trees on the property, including the trees which are proposed for removal. The plan shall be consistent with the tree and landscape plan and city landscaping standards.~~

Sec. 58-86 Care of trees, bushes, and groundcover within public right-of-way.

- (a) With the sole exception of Lighting and Landscape Districts, when landscaping within public right-of-way abuts private property, the private property owner is responsible to irrigate, prune and maintain healthy trees, bushes, and groundcover and also in such a manner that they do not impair overhead wires, obstruct the view of traffic and/or traffic signs and lights, and/or present danger to persons or property.*
- (b) The City may prune, maintain, remove and/or replace trees, bushes, and groundcover to ensure public safety or to preserve and enhance the beauty or health of such grounds.*
- (c) Tree topping is prohibited.*
- (d) Tree pruning should be done during winter months.*
- (e) Tree planting is recommended during the spring and/or fall.*

Sec. 58-87 Landscaping within public right-of-way by citizens.

Prior to any vegetation removal and/or planting within public right-of-way, citizens must submit to the Public Works Director (or his or her designee) an Encroachment Permit application for review and approval. Part of this application will include a landscape plan. Proposed planting must follow city adopted standards and guidelines. In the event of approve tree removal, the Public Works Director will require its replacement (using

any species listed within the standards and guidelines) in such cases that replacement will not contradict those City standards and guidelines. The Public Works Director (or his or her designee) will respond to the application in writing within 15 calendar days, approving the request, conditionally approving the request, or denying the request.

Sec. 58-88 Appeal.

The applicant may appeal the Public Works Director's decision by submitting a written request for appeal to the Public Works Director within 5 calendar days of receipt of such decision. The Public Works Director will schedule an appeal at the next available tree and landscape commission meeting.

Sec. 58-89 New development landscaping within proposed public right-of-way.

All landscaping within proposed public right-of-way for new development will conform to City standards and guidelines.

Sec. 58-90 Violation of this article and penalty.

Any person violating any provision of this article will be deemed guilty of an infraction in accordance with Chapter 1, Section 1-7 (c) and cited in accordance with Chapter 1, Section 1-8 of City code.