



Agenda Item B.1
DISCUSSION/ACTION ITEM
Meeting Date: September 10, 2018

TO: Public Tree Advisory Commissioners

FROM: Carmen Nichols, Deputy City Manager

CONTACT: Robert Morgenstern, Public Works Manager

SUBJECT: Amendment to Section 4.12 of the UFMP

RECOMMENDATION:

1. Continue to work on the Amendment to the Urban Forest Management Plan Section 4.12 Tree Risk Management and Removal; and
2. Establish an Ad hoc Committee to advise City staff regarding proposed draft language for Section 4.12 of the UFMP
3. Appoint two Commissioners to serve on the Committee.

BACKGROUND:

The Urban Forest Management Plan (UFMP) was originally adopted by the City Council on June 7, 2011. Amendment recommendations from the Public Tree Advisory Commission were considered and adopted by the City Council on February 21, 2017. The PTAC had requested a more precise policy regarding the removal of City owned trees. A staff report was presented to the PTAC at the meeting of August 17, 2017 and November 29, 2017 which included modifications to sections 4.12.4 which dictates the removal process for staff.

At the meeting of November 29, 2017 members of the public were asked to submit their comments to the Commissioners, and all comments were to be submitted by the Commissioners to the City Clerk for consideration of Public Works staff, then director Rosemarie Gaglione and Bob Morgenstern, Public Works Manager. At subsequent meetings, Commissioners were asked to send or resend their comments.

Forming an ad hoc committee to work with staff in developing proposed language for the Commission to consider is an option. The past Commission has strongly opined against a committee and has preferred to work out the text of the Section 4.12 before the full Commission. In the interest of time, the establishment of an ad hoc committee has been placed as recommended agenda item for discussion should the Commission want to establish a committee. Rather than postponing this item to a future meeting, the

Commission can take action to establish the committee or deny the recommendation tonight.

DISCUSSION:

Section 4.12 Tree Risk Management and Removal sets forth guidelines regarding the conditions required to justify the removal of City owned trees. Input from the public and discussion from the Commission and staff lay out the following factors that should be considered within this section:

- Prioritize the removal of trees, factors will vary based on where a tree is located such as street trees, recreation areas, open space, environmentally sensitive habitat areas (ESHA);
- The UFMP should have clear guidelines regarding the conditions required to remove trees and the policy should include a restoration component and the criteria for bringing back an item for PTAC review and recommendation to the City Council;
- Staff must consider other mitigation factors affected by the removal of trees such as the habitat where a public tree is located, wildlife, whether the tree (even dead and dying) is a benefit to the natural habitat and therefore should consult with technical experts such as wildlife specialists and not just arborists;
- Consult and reference other specific management plans and policies for specifically covered areas such as the Ellwood Mesa Habitat Management Plan, Parks Management Plan, Lake Los Carneros Management Plan, General Plan;
- Public safety is a priority of the City.

Attachment 1 reflects draft language was brought to the Committee at the August 2017 meetings, and again in the November 2017 meeting (without changes), and also includes recommended language in response to the concerns of the Commission and the public. This is a starting point, and staff is open to a line-by-line, page turn process should the Commission prefer to move forward at this meeting with a continuance at each meeting until the section is fully reviewed and modified; or the Commission may wish to form an ad hoc committee by selection two members of the Commission to work with staff.

The introductory paragraph of Section 4.12 is not revised, only the subsections as noted. The staff recommended changes along with input from the City's Consulting Arborist, Robert Muraoka, is recommending PTAC consider the following changes (in blue provided in August and November 2017 and current revisions in red) that help support the decision regarding tree removals.

Should the Commission move forward with the establishment of an Ad Hoc committee, the scope of the committee will be limited to advising the staff in the revision of Section 4.12 of the UFMP. Once completed, the draft revisions will be brought to the PTAC and after review and recommendation by PTAC, staff will take this item to the City Council, for their approval. Council may then approve PTAC's recommendations, make changes or reject the changes.

The Committee is appropriate in this circumstance because the issue is preparing draft language of Section 4.12 for a single-topic matter of limited time duration and focus. There would be no regularly scheduled meetings of the Committee as it would meet on as needed basis. Once the Committee has concluded its draft language and has made its final recommendations to the PTAC, it would cease to exist and will have no further meetings.

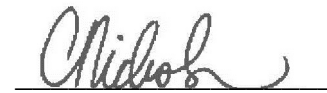
ALTERNATIVES:

The Commission is under no obligation to establish an ad hoc committee for this purpose and could continue to discuss the matter among the Commission.

Reviewed By:


Charles Ebeling
Public Works Director

Approved By:


Carmen Nichols
Deputy City Manager

Attachments

1. Section 4.12 of the Urban Forest Management Plan, Track Changes.
2. Submitted Public and Commission Written Comments for Section 4.12 of the Urban Forest Management Plan

Attachment 1

Section 4.12 of the Urban Forest Management Plan, Track Changes

4.12 Tree Risk Management and Removal, and Restoration

- 4.12.1 Implement a proactive public tree risk management program to minimize dangerous conditions on public property, for trees not already covered under other specific plans such as but not limited to, the General Plan, a park management plan, ESHA management plan, a habitat management plan. Update PTAC on risk management issues.
- 4.12.2 Coordinate the public urban tree risk management plan with the Community Wildfire Protection Plan.
- 4.12.3 Implement defensible space procedures in high fire hazard areas identified by the County Fire Department.
- 4.12.4 Recognizing that the urban forest provides us with many benefits. Among other things, trees reduce heat, provide shade, protect water, increase property values, reduce air pollutants, create oxygen and store carbon. Trees also provide wildlife habitat and enhance our outdoor surroundings. However, removal may be necessary at the at City Staff's discretion for the protection of public health and safety of the citizens, or human activity that can be injured, damaged, or disrupted by a tree failure, e.g. partial or complete road closure, in -considering the following conditions of the trees:

- a. If the tree is dead or dying.
A dead tree is one without live tissue. A dying tree is one in a state of decline, with no chance of recovery.

- i. City staff will take immediate action to remove a standing dead or dying tree in areas of high traffic flow and high pedestrian flow including public parks, playgrounds, streets, busy footpaths or trails, areas adjacent to schools, buildings, etc. to protect public health and safety of citizens.

- ii. A standing dead tree(s) that is not a direct public threat will be removed to protect the living trees from being taken out if a dead tree falls, and to provide space for growth of young trees.

- iii. A downed tree in an open space will be removed for younger trees to grow and replace dead trees and to reduce fuel load. Staff should consider any existing plans in specific areas for mitigation factors in open spaces and parks, preservation and other protected areas.

- b. If the tree is structurally compromised due to significant strength loss or physical faults.

Strength loss assessments may include but are not limited to factors such as decay, cavities or the thickness of the tree's shell wall. Physical faults may include but are not limited to factors such as cracks, splits or increasing lean. Tree removal may be deemed necessary if the strength loss or physical faults cannot be mitigated through acceptable pruning practices and/or reinforcement, such as cabling and it poses an imminent or immediate public threat.

Exception: If there is no target (person or object), City Staff may or may not recommend the removal of a tree, even if it is deemed likely or in imminent danger of failing.

- c. If the tree's roots are causing significant damage to the sidewalk, curb, gutter or road.

As long as said damage cannot be mitigated through acceptable root pruning, repair or replacement of the affected hardscape.

- d. If the tree is interfering with or causing damage to public utilities, such as street lights, power, water or gas lines. If the tree is impeding traffic or access to city roads or sidewalks. If the tree is obstructing line-of-sight on City roads or blocking city signage.

As long as the interference, obstruction or damage cannot be mitigated through acceptable pruning practices and/or, if the relocation of said "utility" is neither acceptable nor reasonable.

- ~~e. If the tree has poor configuration or no longer enhances the aesthetic quality of its surroundings.~~

~~Tree disfigurement or the lack of aesthetic contribution could be the result of poor pruning practices (i.e. topping or disfigurement for utility lines) or natural causes, such as broken limbs. Tree removal may be deemed necessary if said damage or disfigurement cannot be mitigated through acceptable pruning practices.~~

~~Factors that would not be considered as cause for removal would be the size or shape of the tree, as long as it is normal for the species. The production of excessive fruit, flower, seed or leaf litter are also not considered as cause for removal.~~

- ~~f.e.~~ If disease or insect infestation puts the tree in jeopardy or the urban forest at risk.

Tree removal may be deemed necessary, if the disease or insect pest cannot be controlled with acceptable management practices or if it is deemed necessary for the containment of said disease or insect pest.

- ~~g.f.~~ Trees scheduled for removal.

If tree failure is deemed imminent, immediate removal may be required without consideration for variables such as, wildlife (i.e. nesting birds), convenience or budget. If a tree is dead, dying or damaged and failure is deemed likely but not

imminent, the scheduling of its removal will be influenced by other considerations such as, the impact on wildlife or resource management.

~~h.g.~~ Any staff recommendation for tree removal involving the reasons listed above shall be confirmed by, in collaboration with, or at the recommendation of the City arborist. City staff will collaborate with wildlife subject matter experts as necessary.

4.12.5 Restoration. A vital component of a healthy urban forest is the restoration by replanting of removed trees. Trees removed for the purposes of in this section will be replaced on a 1:1 basis, following the management practices identified in this plan.

The replacement of removed trees supports the overall goal of increasing the size and scope of the Urban Forest as indicated in 6.4 Planting of New and Replacement Trees Annual targets.

4.12.6 If tree removal is deemed absolutely necessary at the City Staff's discretion for reasons such as, but not limited to the ones above, refer to 4.9 Urban Wood Reuse.

4.12.7 Trees required to be removed for construction or public works projects are subject to CEQA requirements under their specific project and not addressed here.

Blue – Revisions presented August 17, 2017 and November 29, 2017

Red – Additional revisions presented September 10, 2018

Black – Original Language

Attachment 2

Submitted Public and Commission Written Comments for Section 4.12 of the
Urban Forest Management Plan

Amendment to section 4.12

I have concern over the proposed changes, which in my mind, are not at all minor. They pose major implications for our urban and park forests, such as at Stow House and Ellwood.

If we are going to be expanding this section, then I recommend taking the time to also expand the rest of the Urban Forest Management Plan to match the level of detail.

Trees are a long-term asset and we should do everything we can first to NOT remove them. Removal should always be a last-case scenario. I would like stronger language for protecting trees.

There should be specific language to address trees growing within different land zoning- should not all be treated the same.

For example, major differences in how trees may be handled along street corridors, ESHA, habitat management plans, coastal zone, public right-a-ways, parks.

4.12.1 and 12.2 what is the status of this risk management program, what is it based on? When will we see the Program (and not just an update)? Let's see the public tree risk management program plan, or is this section it in it's entirely so far?

4.12.3 Defensible space. I understand how this is enacted in vegetated areas surrounding structures. Please explain how this works along city street parkways, and the edges of property lines, e.g. street edges of parks and open spaces or at Ellwood Mesa at boundary of UCSB, especially where there are no nearby structures.

4.12.4

new intro language here is not a policy but rather a value statement. Was seemingly stuck in here to offset the rest of the proposed additions- is out of place.

4.12.4 new sections:

a. Please provide the criteria used to determine if a tree is dead. E.G. 150 yr old olive trees planted by Mr Sexton along north Fairview that burned in Holiday Fire appear totally dead (and have now been removed) but new sprouts are now emerging from bases. Does only the trunk/limbs have to be dead or will there be an assessment of the base of the tree and roots from which a tree may recover? When a 'tree' is removed, how much of the part of that tree below the surface will also be removed? How will this affect re-planting or will there be a 'waiting' or recover period?

b – a comment- cavities exist in otherwise perfectly healthy trees. These are prime bird nesting habitat- example- owls. Regarding tree lean- how will the progression of physical faults such as increasing lean be determined? Will this information be entered into ArborPro during yearly maintenance and thus be publicly searchable?

c, d. use of “acceptable” and ‘reasonable’....to whom? To what standard?

e. this is a value judgment and unless there are standards set by the residents or users of a particular area for what trees are supposed to look like, I cannot agree with this.

Might there be a way for residents to alert the City to when certain trees are dropping fruit/flower/ seeds so that street sweepers can target those areas?

f. disease-

insects such as borer, beetles and psyllids are already present in our area and removing a few trees at Ellwood is not going to make a difference. Removals deemed necessary for pest containment should follow the best available science for geographic region, and species of both tree and insect pest.

g.

Regarding scheduling the removal of a tree. The public has a right to learn why a certain tree must be removed. What is the process for notifying the public? How will the surrounding residents be alerted that this is happening? Is there a waiting period? Can the tree be flagged or have a notice placed on it?

Again, will this condition, disease or insect information be tracked in ArborPro? This is really important for monitoring disease and for planning for management of the spread into other areas or to nearby/susceptible trees. The public has a right to know if a City tree has a disease that could spread to their private trees. And, the public has a right to know if there are nearby pests that need control, both from a human health and from a tree health perspective. Finally, if control measures such as spraying insecticides are used, there needs to be procedures in place so as to minimize harm to beneficial insects and birds.

4.12.5 I fully support section 4.9 Urban Wood Reuse and I urge the city to find a way to put this in to practice. It is the environmentally superior option when compared to chipping or landfill, and can help build community goodwill and raise awareness of the Urban Forest (meeting an education goal).

In conclusion, I cannot support the proposed language as of 8/17/2017.

I support option C that would propose a motion that would create an ADHOC committee to actively work with City staff and arborist to develop more comprehensive guidelines.

Suggested wording

4.12.4 Removal of Trees

Trees in public, parks, and open spaces shall not be removed unless it is dead, dying, or dangerous, subject to prior PTAC notification unless the hazardous condition of the tree is deemed an emergency warranting swift action. An emergency is when the failure of a major limb(s) or the entire tree is imminent and a threat to public safety, homes, or structures. In the event of an emergency, the Public Works Director or his/her designee may order a limb(s) or the entire tree to be removed without scheduling a hear with the PTAC. However, PTAC commissioners shall be informed as soon as practical.

This is consistent with the language for Heritage Trees: Removal of a Heritage Tree

Questions Related to the Goleta Urban Forest Management Plan For the Public Record

08 March 2018

As a new member of the Public Tree Advisory Commission (PTAC), I reviewed the Urban Forest Management Plan (UFMP) as Amended and Approved by City Council 21 February 2017. I submitted a series of questions to City Staff seeking clarification on terminology and processes described in the document. City Staff provided a response to most of my questions today.

I want to publicly thank Carmen Nichols Deputy City Manager, Winnie Call Deputy City Attorney and Robert P. Morgenstern Public Works Manager for taking the time to meet with me today and provide invaluable feedback and guidance. I also would like to thank Andrea Moreno for being so extremely responsive and helpful in dealing with my many requests for information.

I would like to take some time to digest the responses I received today and formulate some overarching questions for City Staff and PTAC to consider for the next meeting. I anticipate these questions will focus on things like:

- Where does the UFMP fit within the broader context of other City Plans, beyond the General Plan
- A clearer definition of which trees are and are not under the purview of the UFMP and PTAC
- Clarifying the criteria supporting "Right Tree, Right Place" decision making and ensuring the necessary data is captured in inventory and tree planting lists
- Identifying the process by which tree selection criteria are assessed when making a planting decision
- How to determine which of the more than 37 items called out in the UFMP for annual or periodic review/reporting should be addressed, which should be deferred and which should be dropped

I realize City resources are finite. My goal is not to create more work for City Staff, but to determine how best to use the guidance in the UFMP to properly influence the work prioritized and performed by City Staff.

Clearly a lot of thought has been put into the UFMP by many passionate and talented professionals over many years. Many of the questions I asked were simply to benefit my own education. I realize that PTAC recently completed a two-year review of the UFMP with an Amended version approved by council just last year. Also, Section 4.12 Tree Risk Management and Removal is currently under review. With all of this in mind I would like to table the following motion:

Motion: Commissioner Alfred Smith, in consultation with City Staff and up to one other PTAC Commissioner develop a consolidated list of UFMP questions for City Staff to answer and provide recommended actions for PTAC to consider in the next meeting.

Alfred Smith
Commissioner
PTAC

Chair Massey and Commissioners:

These amendments to the Urban Forest Management Plan are a good start for having a comprehensive policy for dealing with Tree Risk Management in the Urban Forest.

I applaud the addition of the text added to Section 4.12.4 that enumerates some of the benefits that trees provide to our City and the environment. These are benefits that should be actively considered and balanced when considering risks.

However subsequent subparagraphs of this section (a, b, c, d, e, f, and g) are woefully incomplete. They do not balance the benefits that may be provided even by the trees with the characteristics described in those subparagraphs.

Dead and dying trees can provide habitat and are part of the natural cycle in forests; even decaying trees or trees with cavities provide important habitat value in natural areas.

Trees with “poor configuration” or less aesthetically pleasing trees can certainly provide habitat as well as other important benefits—and many if not most trees in a forest, when examined individually, will be less than perfect! Trees that have previously been poorly pruned, while unfortunate, can provide perfectly acceptable habitat and other benefits.

And, most importantly, these amendments do not make any distinctions among the treatment of trees in the parkway, trees in an active-use recreational area, or trees in a natural passive-use area, such as a nature preserve. They do not recommend any different process for trees that are in an ESHA (an environmentally sensitive habitat area); or for trees that are in the Coastal Zone; or for trees whose maintenance is covered (or should be covered) by a Habitat Management Plan. Any General Plan policies, Coastal Act policies, and Management Plan Policies (such as the Ellwood-Devereux Coast Open Space and Habitat Management Plan) must be consulted, and the Urban Forest policies and processes must be consistent with these and other controlling policies.

This policy should also reflect a difference between removing a single tree and many trees or especially significant trees. A metric should be established regarding what should be brought back to PTAC to ensure that the public is given notice and has the opportunity to comment. Consideration of replanting or restoration should be part of those agenda items.

Subparagraph 4.12.4g allows removal of trees deemed hazardous in spite of possible damage to habitat and wildlife. There should be other alternatives considered, in some contexts, like segment closures of hazardous trail segment in environmentally sensitive areas as is described in General Plan Policy OS 5.3.

This paragraph also recommends conferring with an arborist before removing trees. In some circumstances, consultation with an ecological or wildlife specialist should also be included. In some cases, a Coastal Development Permit may be necessary, especially in the absence of a Local Coastal Plan.

I believe that creating a comprehensive Tree Risk Management policy is a valuable undertaking to provide guidance to the City staff, City Council and Goleta citizens, but I believe this issue needs a much more complex and nuanced policy than is presented here. Much more work is necessary to take into account the variety of contexts in which public trees are found, the variety of benefits provided in different contexts, and the variety of existing policies which may apply.