

# PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING SEPTEMBER 14, 2006

Prepared by: Steve Lindbeck, Project Planner

ITEM V-D: TREE PERMIT – 5201 FIDDYMENT RD. – WRSP FIDDYMENT RANCH PARCEL F-83 TRUNK SEWER – FILE #2006PL-149 (TP-000079)

# **REQUEST**

The applicant requests approval of a Tree Permit to remove fourteen native oak trees and encroach into the Protected Zone Radius of an additional nine native oak trees for the construction of a sewer trunk under Pleasant Grove Creek, associated with the infrastructure plan of the West Roseville Specific Plan. Another four native oak trees are indicated as conditional removals to be assessed by the arborist in the event that site excavation is more extensive than anticipated.

Applicant – Steve Hicks, Signature Properties Property Owner – Signature Properties

#### **SUMMARY RECOMMENDATION**

The Planning & Redevelopment Department recommends that the Planning Commission take the following actions:

- A. Adopt the two (2) findings of fact for the Tree Permit; and
- B. Approve the Tree Permit subject to the twenty-one (21) conditions listed below.

## **SUMMARY OF OUTSTANDING ISSUES**

There are no outstanding issues associated with this request. The applicant has reviewed and is in agreement with the recommended conditions of approval.

#### **BACKGROUND**

West Roseville Specific Plan (WRSP) Fiddyment Ranch Open Space Parcel F-83 encompasses Pleasant Grove Creek between Crocker Ranch on the east and Fiddyment Road on the west (Attachment 1).

The sewer trunk is being constructed as a Phase 2 WRSP infrastructure improvement by Signature Properties. The new sewer trunk will go along the eastern edge of Fiddyment Ranch, pass under Pleasant Grove Creek as four small parallel pipes and connect with an existing stub to the existing 72-inch sewer trunk on the south side of the creek. The excavation through Pleasant Grove Creek at the eastern end of Parcel F-83 is located within the 50-foot wide edge buffer of the open space easement where such work is allowed by the Corps of Engineers' Operations and Management Plan (O & M Plan).

## **EVALUATION**

The Tree Preservation Ordinance (Chapter 19.66) requires the City to consider the appropriateness of and alternatives to proposed tree removals and encroachments. In addition, when tree removal is requested, the City is required to review the proposed mitigation plan.

Sierra Nevada Arborists inventoried 34 protected native oak trees in the vicinity of the Phase 2 trunk sewer crossing of Pleasant Grove Creek in open space Parcel F-83. The report dated August 16, 2006

identifies tree species, size, health and current condition, and describes impacts related to the proposed project (Exhibit B). The report is summarized in the table below.

Figure 1:	Tree Sum Type	mary DBH	PZR	Condition		Project Impacts
#	Турс	(inches)	(feet)	Structure Vigor		1 Toject impacts
		•	` ,		_	Domovo for Cover Construction
2461	QL	41	33	Poor	Fair	Remove for Sewer Construction
2462	QL	9	22	Fair	Fair	10% encroachment (minor)
2463	QW	13	26	Poor-Fair	Fair	Remove for Sewer Construction
2464	QD	11	25	Fair	Fair	Remove for Sewer Construction
2465	QW	10	27	Poor-Fair	Poor-Fair	Remove for Sewer Construction
2466	QD	7	18	Poor-Fair	Fair	8% encroachment (minor)
2467	QL	32	51	Poor-Fair	Fair	Remove for Sewer Construction
2468	QD	12	18	Poor-Fair	Fair	Remove for Sewer Construction
2469	QW	10	13	Poor-Fair	Fair	No encroachment
2470	QD	31	35	Poor-Fair	Fair	12% encroachment (moderate)
2471	QW	9	23	Poor-Fair	Fair	No encroachment
2472	QL	26	46	Poor-Fair	Fair	15% encroachment (moderate)
2473	QW	8	14	Fair	Fair	No Encroachment or Conditional Removal
2474	QW	32	35	Poor-Fair	Fair	7% encroachment (minor)
2475	QW	33	31	Poor	Fair	Remove for Sewer Construction
2476	QL	15	38	Poor-Fair	Fair	Remove for Sewer Construction
2477	QD	17	29	Poor-Fair	Fair	Remove for Sewer Construction
2478	QD	12	12	Poor	Poor-Fair	9% encroachment (minor) or Conditional Removal
2479	QW	6	17	Fair	Fair	7% encroachment (minor) or Conditional Removal
2480	QL	13	16	Fair	Fair	Remove for Sewer Construction
2481	QD	26	21	Poor	Poor-Fair	Remove for Sewer Construction
2482	QW	16	26	Poor	Poor-Fair	No encroachment
2483	QW	10	13	Fair	Fair	No encroachment
2484	QW	39	39	Poor	Fair	No encroachment
2485	QW	16	17	Fair	Fair	No encroachment
2486	QW	28	41	Poor-Fair	Fair	1% encroachment (minor)
2487	QW	6	25	Poor-Fair	Fair	No encroachment
2488	QW	12	25	Fair	Fair	No encroachment
2489	QL	12	26	Fair	Fair	No encroachment
2490	QW	11	18	Fair	Fair	Remove for Sewer Construction
2491	QW	11	13	Poor	Fair	Remove for Sewer Construction
2492	QW	6	9	Fair	Fair	Remove for Sewer Construction
2493	QW	9	14	Poor-Fair	Fair	7% Encroachment (minor) or Conditional Removal
2494	QW	9	11	Fair	Fair	No encroachment

## **Tree Impacts**

The plan for the proposed sewer alignment indicates that 14 native oak trees need to be removed, another 9 will have minor to moderate encroachments, and 11 will have no encroachment (Exhibit A).

Two alternative sewer trunk alignments were considered to see if they might reduce impacts to native oak trees. Alternative 1 would shift the north end 25 feet east. Regardless of the alignment, the south end of the new sewer trunk will connect with an existing stub to the existing 72-inch trunk on the south side of Pleasant Grove Creek. Alternative 1 would result in 17 native oak trees removed, another 7 with some encroachments, and 10 with no encroachment.

Alternative 2 would shift the north end 10 feet to the west. Alternative 2 would result in 14 native oak trees removed, another 7 with some encroachments, and 13 with no encroachment. However, Alternative 2 would also shift the excavation outside of the 50-foot wide edge buffer where construction is allowed by the O & M Plan.

Regardless of the alignment, there would be no change in impacts for 23 of the trees. However, for 11 of the trees, being removed or not depends on the alignment, and the proposed alignment would result in the least impact overall. The east alignment impacts more trees on the east; the west alignment impacts more trees on the west, and is outside of the edge buffer.

Figure 2: Impacts to 11 Trees that Differ by Alignment

Tree DBH		Proposed Alignment	Alternative Alignment 1	Alternative Alignment 2	
#	(in.)	-	25' East	10' West	
2466	7	Encroachment	No encroachment	Removal	
2467	32	Removal	Encroachment	Removal	
2468	12	Removal	Encroachment	Removal	
2469	10	No encroachment	Removal	No encroachment	
2470	31	Encroachment	Removal	No encroachment	
2471	9	No encroachment	Removal	No encroachment	
2472	26	Encroachment	Removal	Encroachment	
2473	8	No encroachment	Encroachment	No encroachment	
2486	28	Encroachment	No encroachment	Encroachment	
2492	6	Removal	Removal	Encroachment	
2493	9	Encroachment	Removal	No encroachment	
Totals		14 Removals 9 Encroachments 11 No Encroachments	17 Removals 7 Encroachments 10 No Encroachments	14 Removals 7 Encroachments 13 No Encroachments Outside 50' Buffer	

Trees #2473, 2478, 2479, and 2493 are also identified as "conditional removals". These are four smaller trees located near the edge of excavation. Prior to the actual excavation, City staff will meet on-site with the arborist to preview the work. We may determine that the actual excavation would result in a large encroachment for a conditional tree, even larger than typically allowed in a developed setting. If so, the excavation will be monitored by the arborist, and the conditional tree will be retained on the chance that it may survive. However, if we determine that the actual excavation would place the conditional tree entirely in the trench, that tree may be removed.

The arborist also noted that 5 of the inventoried trees are recommended for removal due to existing structural defects: #2461, 2475, 2481, 2484 and 2491. The applicant proposes to remove #2461, 2475,

2481, and 2491 because these four are located in the excavation area (regardless of the alignment). Tree #2484 is not proposed for removal because it is located outside of the excavation area.

# **Tree Mitigation**

The 14 trees proposed for removal have a combined diameter of 251 inches. The Tree Ordinance requires that trees approved for removal be mitigated on an inch for inch basis either by: 1) replacement, 2) relocation, 3) regeneration, or 4) through payment of an in-lieu fee into the City's Tree Mitigation Fund.

As with previous tree permits for Fiddyment Ranch, Signature Properties proposes to mitigate these trees by adding the 251 inches into the mitigation planting plan for its roadway infrastructure tree permit (TP 04-08). The mitigation planting plan, currently being reviewed by the City, proposes to plant native and non-native trees in open space parcels and along landscape corridors throughout Fiddyment Ranch. In the event that the entire 251 mitigation inches for the present tree permit cannot be factored into the infrastructure mitigation planting plan, the remainder will be satisfied with the in-lieu fee.

### **ENVIRONMENTAL DETERMINATION**

Pursuant to City of Roseville CEQA Implementing Procedures and California Environmental Quality Act (CEQA) Guidelines this project is exempt as a project consistent with the Environmental Impact Report (EIR) prepared for the West Roseville Specific Plan (WRSP) and certified by the City of Roseville on February 4, 2004 (SCH#2002082057). The WRSP EIR provides environmental analyses of community infrastructure and facilities such as sewer trunks. Mitigation measures for the removal of native oak trees were included in the Final EIR. CEQA analysis beyond that presented in the EIR is not required for implementation of these infrastructure facilities.

#### RECOMMENDATION

The Planning & Redevelopment Department recommends the Planning Commission take the following actions:

- A. Adopt the two findings of fact as stated below for the Tree Permit 5201 Fiddyment Road, WRSP Parcel F-83 File # 2006PL-149, TP-000079;
  - 1. Approval of the Tree Permit will not be detrimental to the public health, safety, or welfare and approval of the Tree Permit is consistent with the provisions of Chapter 19.66 of the Roseville Zoning Ordinance; and
  - 2. Measures have been incorporated in the project or permit to mitigate impacts to remaining trees and to provide replacement for trees removed.
- B. Approve the Tree Permit -- 5201 Fiddyment Road, WRSP Parcel F-83 File # 2006PL-149, TP-000079 subject to the twenty-one (21) conditions listed below.

# **CONDITIONS OF APPROVAL FOR TREE PERMIT TP-000079**

CONDITION	COMPLIANCE VERIFIED/ INSPECTED	COMMENTS
PRIOR TO ISSUANCE OF ANY PERMITS OR ANY CONSTRUCT	<u> </u>	
1. All recommendations contained in the Arborist Report (Exhibit		
B) shall be incorporated as part of these conditions except as		
modified herein. (Planning)		

2.	Trees #2461, 2463, 2464, 2465, 2467, 2468, 2475, 2476, 2477,	
	2480, 2481, 2490, 2491, and 2492 are approved for removal by	
	this tree permit. All other native oak trees shall remain in place.	
	Trees to be removed shall be clearly marked in the field and	
	inspected by Planning & Redevelopment Staff prior to removal.	
	Removal of the trees shall be performed by or under the	
	supervision of a certified arborist. (Planning)	
3.	Trees #2473, 2478, 2479, and 2493 are conditionally approved	
٥.	for large encroachments or removal. Prior to the project	
	excavation, the conditional trees shall be inspected by Planning	
	& Redevelopment staff and a certified arborist. If the arborist	
	and staff determine that the excavation would result in a zero-	
	to-large encroachment for a conditional tree, that tree will	
	remain in place. If the arborist and staff determine that the	
	excavation would place a conditional tree entirely within the	
	trench, the Planning & Redevelopment Department will provide	
	written notice to the developer authorizing that tree to be	
	removed. (Planning)	
4.	Prior to the removal of any native oak trees and prior to any site	
	grading, the developer shall execute an agreement to mitigate	
	the oak trees removed for the project. This agreement shall be	
	in a form acceptable to the City Attorney. (Planning)	
5.	The developer shall be responsible for the replacement of 251	
	mitigation inches proposed for removal, with conditional tree	
	inches added as needed. Conditional tree inches shall be	
	mitigated only in the event conditional trees are removed.	
	Mitigation must be provided prior to tree removal unless	
	otherwise approved in these conditions. (Planning)	
6.	No activity shall be permitted within the protected zone of any	
	native oak tree beyond those identified in the arborist report or	
	these conditions. (Planning)	
7.	A violation of any of the conditions of this Tree Permit is a	
	violation of the Roseville Municipal Code, the Zoning Ordinance	
	(Chapter 19.74) and the Tree Preservation Ordinance (Chapter	
	19.66). Penalties for violation of any of the conditions of	
	approval may include forfeiture of the bond, suspension or	
	revocation of the permit, payment of restitution, and criminal	
	penalties. (Planning)	
8.	A \$10,000 cash deposit or bond (or other means of security	
0.	provided to the satisfaction of the Planning & Redevelopment	
	Department) shall be posted to insure the preservation of all	
	remaining trees during construction. The cash deposit or bond	
	shall be posted in a form approved by the City Attorney. Each	
	occurrence of a violation on any condition regarding tree	
	preservation shall result in forfeiture of all or a portion of the	
<u></u>	cash deposit or bond. (Planning)	
9.	A fencing plan shall be shown on the approved site plan and/or	
	improvement plans demonstrating the Protected Zone for the	
	affected trees. A maximum of three feet beyond the edge of	
	the excavation will be allowed for construction activity and shall	
	be shown on the fencing plan. The fencing plan shall be	
	reviewed and approved by the Planning & Redevelopment	
	Department prior to the placement of the protective fencing.	
	(Planning)	 

10. The applicant shall install a minimum of a five-foot high chain link fence (or acceptable alternative) at the outermost edge of the Protected Zone of the oak tree. The fencing for encroachments shall be installed at the limit of construction activity. The applicant shall install signs at two equidistant locations on the temporary fence that are clearly visible from the front of the lot and where construction activity will occur. The size of each sign shall be a minimum of two feet (2') by two	
feet (2') and must contain the following language: "Warning this fence shall not be removed or relocated without written authorization from the Planning & Redevelopment Department". (Planning)	
11. Once the fencing is installed, the applicant shall schedule an appointment with the Planning & Redevelopment Department to inspect and approve the temporary fencing before beginning any construction. (Planning)	
12. The applicant shall arrange with the arborist to perform, and certify in writing, the completion of deadwooding, fertilization, and all other work recommended for completion prior to the approval of improvement plans. Pruning shall be done by an Arborist or under the direct supervision of a Certified Arborist, in conformance with International Society of Arboriculturalists (I.S.A.) standards. Any watering and deep root fertilization which the arborist deems necessary to protect the health of the trees as noted in the arborist report or as otherwise required by the arborist shall be completed by the applicant. (Planning)	
13. A Site Planning Meeting shall be held with the applicant, the applicant's primary contractor, the Planning & Redevelopment Department, Engineering Department and the Environmental Utilities Department to review this permit, the approved grading or improvement plans, and the tree fencing prior to any grading on-site. The Developer shall call the Planning & Redevelopment Department, Engineering and EU two weeks prior to the start of grading work to schedule the meeting and fencing inspection. (Planning)	
DURING CONSTRUCTION  14. The following information must be located on-site during construction activities: Arborist Report; Approved site plan/improvement plans including fencing plan; and, Conditions of approval for the Tree Permit. All construction must follow the approved plans for this tree permit without exception. (Planning)	
15. All preservation devices (aeration systems, oak tree wells, drains, special paving, etc.) shall be designed and installed as required by these conditions and the arborist's recommendations, and shall be shown on the improvement plans or grading plans. (Planning)	
16. If any native ground surface fabric within the Protected Zone must be removed for any reason, it shall be replaced within forty-eight (48) hours. (Planning)	
17. Storage or parking of materials, equipment and vehicles is not permitted within the protected zone of any oak tree. Vehicles and other heavy equipment shall not be operated within the Protected Zone of any oak tree. (Planning)	

18. Where recommended by the arborist, trench excavation shall be hand dug under the direct supervision of the project arborist. The certified arborist shall immediately treat any severed or damaged roots. Minor roots less than one (1) inch in diameter may be cut, but damaged roots shall be traced back and cleanly cut behind any split, cracked or damaged area. Major roots over one (1) inch in diameter may not be cut without	
approval of an arborist and any arborist recommendations shall be implemented. (Planning)	
19. The temporary fencing shall remain in place throughout the entire construction period and shall not be removed without obtaining written authorization from the Planning & Redevelopment Department. In no event shall the fencing be removed before the written authorization is received from the Planning & Redevelopment Department. (Planning)	
PRIOR TO ISSUANCE OF AN OCCUPANCY PERMIT	
20. Within 5 days of the completion of construction, a Certification Letter from a certified arborist shall be submitted to and approved by the Planning & Redevelopment Department. The certification letter shall attest to all of the work (regulated activity) that was conducted in the protected zone of the tree, either being in conformance with this permit or of the required mitigation still needing to be performed. (Planning)	
21. A copy of this completed Tree Permit Compliance Verification/Inspection form shall be submitted to the Planning & Redevelopment Department. (Planning)	

### **ATTACHMENTS**

- 1. Vicinity Map
- 2. Applicant's Letter dated August 28, 2005 regarding alternate sewer trunk alignments
- 3. Alternate Alignment 1
- 4. Alternate Alignment 2

#### **EXHIBITS**

- A. Tree Permit Map dated September 7, 2006
- B. Arborist Report dated August 16, 2006

Note to Applicant and/or Developer: Please contact the Planning & Redevelopment Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning & Redevelopment Director at, or prior to, the public hearing.